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THE

# Statutes at Large,

FROM THE

20th to the 23d Year of King GEORGE II.

BY

DANBY PICKERING, of GRAY'S INN, Esq;

THE

# Statutes at Large,

FROM THE

20th to the 23d Year of King GEORGE II.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES during that Period.

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VOL. XIX.

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By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

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# TABLE of the STATUTES,

## Containing the Titles of all ſuch Acts as are extant in print, from the Twentieth to the Twenty Second Year of King GEORGE II. incluſive.

*Anno* 20 *Georgii* II.

Cap. 1. FOR the further continuing an act made in the laſt ſeſſion of parliament, intituled, *An act to impower his Majeſty to ſecure and detain ſuch perſons as his Majeſty ſhall ſuſpect are conſpiring againſt his perſon and government.*

Cap. 2. For granting an aid to his Majeſty by a land tax, to be raiſed in *Great Britain*, for the ſervice of the year one thouſand ſeven hundred and forty ſeven.

Cap. 3. For repealing the ſeveral rates and duties upon houſes, windows, and lights; and for granting to his Majeſty other rates and duties upon houſes, windows, or lights; and for raiſing the ſum of four millions four hundred thouſand pounds by annuities, to be charged on the ſaid rates or duties.

Cap. 4. To continue, explain, and amend an act made in the laſt ſeſſion of parliament, intituled, *An act to enable his Majeſty to make rules, orders, and regulations, more effectually to prevent the ſpreading of the diſtemper which now rages amongſt the horned cattle in this kingdom.*

Cap. 5. For continuing the duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *England*; and for granting to his Majeſty certain duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *Scotland*; and for applying a certain ſum of money therein mentioned, towards the ſupply for the ſervice of the year one thouſand ſeven hundred and forty ſeven.

Cap. 6. To continue and make more effectual two acts of parliament; one paſſed in the twelfth year of the reign of her late majeſty Queen *Anne*, and the other in the firſt year of the reign of his preſent Majeſty, for repairing the highways between the *Bear Inn* in *Reading* and *Puntfield* in the county of *Berks*; and for amending other roads in the laſt act mentioned.

Cap. 7. For enlarging the term and powers granted by an act paſſed in the twelfth year of the reign of his late majeſty King *George* the Firſt, intituled, *An act for repairing the roads leading from the weſtern part of the pariſh of* Shenfield, *to* Harwich, *in the county of* Eſſex, *and the road leading from* Chelmsford *in the ſaid county, to* Sudbury *in the county of* Suffolk; *and from* Margretting *to* Malden *in the county of* Eſſex, *and from* Colcheſter *to* Langham *in the ſame county*; and for repairing other roads adjoining to the ſame roads.

Cap. 8. For enlarging the term and powers granted by an act paſſed in the thirteenth year of the reign of his late majeſty King *George* the Firſt, for repairing, widening, and amending the road leading from *Warrington* to *Wigan* in the county of *Lancaſter*; and alſo for amending and repairing the road leading from a place called *Earl's Kill*, in

*Warrington* aforesaid, to the toll-bars in *Wallgate*, in *Wigan* aforesaid.

Cap. 9. For repairing the high road leading from the north end of the *Cow Cawsey*, near the town of *Newcastle upon Tyne*, to the town of *Belford*, and from thence to *Buckton Burn*, in the county of *Northumberland*.

Cap. 10. For granting to his Majesty several rates and duties upon coaches, and other carriages therein mentioned; and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties.

Cap. 11. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 12. For repairing the high road leading from the city of *Durham*, in the county of *Durham*, to *Tyne Bridge* in the said county.

Cap. 13. For repairing the road from *Sunderland near the Sea*, to the city of *Durham*, in the county of *Durham*.

Cap. 14. For opening, cleansing, repairing, and improving the haven of *Southwould* in the county of *Suffolk*.

Cap. 15. For repairing, improving, and maintaining the publick conduits, and other water-works, belonging to the town of *Southampton*.

Cap. 16. For enlarging the term and powers granted by several acts of parliament passed for repairing the highways between *Wymondham* and *Attleborough*, and from *Wymondham* to *Hetherset*, and from the mouth of *Wigmore Lane* to *Hall Walk Gate* in *Attleborough*, in the county of *Norfolk*; and for amending the other roads adjoining to the highways directed to be repaired by the said former acts, and making the said acts more effectual.

Cap. 17. For enlarging the term and powers granted by two acts of parliament, for laying a duty of two pennies *Scots* upon every pint of ale and beer brewed and vended within the town of *Dundee*, and the liberties and suburbs thereof, for the purposes in the said acts and this present act mentioned.

Cap. 18. For the better preservation and improvement of the river *Wear*, and port and haven of *Sunderland*, in the county of *Durham*.

Cap. 19. For the better adjusting and more easy recovery of the wages of certain servants; and for the better regulations of such servants, and of certain apprentices.

Cap. 20. For relief of such of his Majesty's loyal subjects, in that part of *Great Britain* called *Scotland*, whose title deeds and writings were destroyed or carried off by the rebels, in the late rebellion.

Cap. 21. For holding the summer assizes, and sessions of the peace, for the county of *Norfolk*, in the city and county of *Norwich*, until a new shire house can be built for the said county of *Norfolk*; and for building a new shire house on the castle hill in the same county; and for raising money on the said county for that purpose.

Cap. 22. For building a bridge cross the river *Thames*, from the parish of *Walton* upon *Thames* in the county of *Surrey*, to *Shepperton* in the county of *Middlesex*.

Cap. 23. For repairing the road leading from *Cirencester* in the county of *Gloucester*, to *Birdlip's Hill* in the said county.

Cap. 24. For the better securing the payment of shares of prizes taken from the enemy, to the royal hospital at *Greenwich*; and for preventing the embezzlement of goods and stores belonging to the said hospital.

Cap. 25. For repairing the high road leading

leading from the town of *Stockton* upon *Tees*, to *Darlington*, and from thence through *Winston* to *Barnard Castle*, in the same county.

Cap. 26. For reviving and continuing an act passed in the sixth year of the reign of his late majesty King *George* the First, intituled, *An act for laying a duty of two penny* Scots, *or one sixth part of a penny* Sterling, *upon ever* Scots *pint of beer or ale vended or sold within the town of* Bruntisland, *and liberties thereof, for increasing the publick revenue of the said town, and for other purposes therein mentioned.*

Cap. 27. For founding and building a chapel in *Wednesfield*, in the parish of *Wolverhampton*, in the county of *Stafford*.

Cap. 28. For repairing the road leading from *Catherick Bridge*, in the county of *York*, to *Yarm* in the said county; and from thence to *Stockton* in the county of *Durham*; and from thence through *Sedgefield*, in the said county of *Durham*, to the city of *Durham*.

Cap. 29. To confirm an agreement made by the rector and vestry-men of the parish of Saint *James*, within the liberty of *Westminster*, for enlarging the churchyard of the said parish; and for other purposes therein mentioned.

Cap. 30. For allowing persons impeached of high treason, whereby any corruption of blood may be made, or for misprision of such treason, to make their full defence by council.

Cap. 31. For continuing the term, and enlarging the powers granted by an act passed in the twelfth year of his late Majesty's reign, intituled, *An act for repairing and widening the roads from the city of* Gloucester *to the city of* Hereford; and for repairing other roads in the county of *Gloucester*.

Cap. 32. For uniting the two colleges of Saint *Salvator* and Saint *Leonard*, in the university of Saint *Andrews*, pursuant to an agreement for that purpose.

Cap. 33. To enable the parishioners of the parish of Saint *Andrew Holborn*, in the city of *London* and county of *Middlesex*, to purchase a convenient piece of ground, for an additional burying-ground, for the use of the said parish; and to enable the said parishioners to raise such sum and sums of money, as shall be necessary for that purpose.

Cap. 34. To enable his Majesty to allow to the residuary legatees of Sir *Joseph Jekyll* knight, late master of the rolls, deceased, part of the legacy given by his will to the use of the *Sinking fund*.

Cap. 35. To indemnify persons who have omitted to register their letters of attorney, appointing them agents for prizes, within the time limited by law; and for allowing further time for that purpose.

Cap. 36. For granting to his Majesty a certain sum of money out of the *Sinking fund*, for the service of the year one thousand seven hundred and forty seven; and also for enabling his Majesty to raise a further sum of money for the uses and purposes therein mentioned; and for the further appropriating the supplies granted in this session of parliament; and for applying a certain sum of money, for defraying the charge of the allowances to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse, lately reduced, for the year one thousand seven hundred and forty seven; and for continuing the bounties on the exportation of *British* and *Irish* coarse linens.

Cap. 37. For the ease of sheriffs with regard to the return of process.

Cap. 38. For the relief and support of maimed and disabled seamen,

and the widows and children of such as shall be killed, slain, or drowned, in the merchants service.

Cap. 39. For granting a duty to his Majesty to be paid by distillers, upon licences taken out by them for retailing spirituous liquors.

Cap. 40. To revive, continue, and amend an act made in the ninth year of the reign of his late majesty King *George* the First, intituled, *An act for clearing, depthening, repairing, extending, maintaining, and improving the haven and piers of* Great Yarmouth; *and for depthening and making more navigable the several rivers emptying themselves at the said town; and also for preserving ships wintering in the said haven, from accidents by fire.*

Cap. 41. For vesting in his Majesty the estates of certain traitors, and for more effectually discovering the same, and applying the produce thereof to the use of his Majesty, and for ascertaining and satisfying the lawful debts and claims thereupon.

Cap. 42. To enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights.

Cap. 43. For taking away and abolishing the heretable jurisdictions in that part of *Great Britain* called *Scotland*; and for making satisfaction to the proprietors thereof; and for restoring such jurisdictions to the crown; and for making more effectual provision for the administration of justice throughout that part of the united kingdom, by the King's courts and judges there; and for obliging all persons acting as procurators, writers, or agents in the law in *Scotland* to take the oaths; and for rendering the union of the two kingdoms more complete.

Cap. 44. To extend the provisions of an act made in the thirteenth year of his present Majesty's reign, intituled, *An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his Majesty's colonies in* America, to other foreign protestants who conscientiously scruple the taking of an oath.

Cap. 45. To continue several laws relating to the manufactures of sail-cloth and silk; to give further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices, and for better securing the payment of the said duties; and declaring that prize ships lawfully condemned shall be deemed *British* built ships; and for allowing prize goods to be landed and secured in proper ware-houses, without payment of any duty, until it can be determined whether they are fit for exportation or home consumption.

Cap. 46. To prevent the return of such rebels and traitors concerned in the late rebellion, as have been, or shall be pardoned on condition of transportation; and also to hinder their going into the enemies country.

Cap. 47. To continue several laws for prohibiting the importation of books reprinted abroad, and first composed or written and printed in *Great Britain*; for preventing exactions of the occupiers of locks and wears upon the river of *Thames* westward, and for ascertaining the rates of water carriage upon the said river; and for better securing the lawful trade of his Majesty's subjects to and from the *East Indies*; and for the more effectual preventing all his Majesty's subjects, trading thither under foreign commissions; and relating to rice, to frauds in the customs, to the clandestine running of goods, and to copper ore of the *British* plantations; and for the free importation of cochi-

neal

neal and indico; and for punishment of persons destroying turnpikes, or locks or other works erected by authority of parliament.

Cap. 48. To indemnify persons who have omitted to qualify themselves for offices and promotions within the time limited by law, and for allowing further time for that purpose.

Cap. 49. For declaring valid such acts as have been done by *Thomas Paulin*, as one of the principal land coal-meters of the city and liberty of *Westminster*, between the twenty ninth day of *September* last and the eighth day of *November* following.

Cap. 50. For taking away the tenure of ward holding in *Scotland*, and for converting the same into blanch and feu holdings; and for regulating the casualty of non-entry in certain cases; and for taking away the casualties of single and life-rent escheats, incurrred there by horning and denunciation for civil causes; and for giving to heirs and successors there a summary process against superiors; and for discharging the attendance of vassals at head courts there; and for ascertaining the services of tenants there; and for allowing heirs of tailzie there to sell lands to the crown for erecting buildings, and making settlements in the highlands.

Cap. 51. To enlarge the time limited by an act of the last session of parliament for restraining the use of the highland dress, and to enable heirs of tailzie, guardians, tutors, curators, and trustees in *Scotland* to sell lands to the crown.

Cap. 52. For the King's most gracious, general, and free pardon.

*Private Acts.*

*Anno* 20 *Georgii* II.

1. An act to enable *Richard Waynhouse*, and his heirs male, to take and use the surname of *Emmott*, and no other, pursuant to the will of *Christopher Emmott*, esquire, deceased.

2. An act for sale of part of the settled estate of *Harry* earl of *Stamford*, in order to discharge several incumbrances affecting the same.

3. An act for settling the estates of *Thomas* earl of *Leicester*, and *Edward Coke* esquire, commonly called lord *Coke*, his only son, in the county of *Norfolk*, on the marriage of the said *Edward* lord *Coke* with the lady *Mary Campbell*, one of the daughters of *John* late duke of *Argyll*, deceased.

4. An act for settling the estates of *William* lord *Byron* and *Elizabeth Shaw* spinster, an infant, on their intermarriage.

5. An act to enable Sir *Thomas Parkyns* baronet, and *Jane Parkyns* (with the consent of their guardians and trustees) to make a conveyance by way of settlement, on their intermarriage, notwithstanding their minority.

6. An act for raising money by leasing or sale of the estates late of *Thomas Taylor* esquire the father, and *Thomas Taylor* esquire the son, deceased, to discharge the debts and incumbrances affecting the same, and for making a partition of such estates, or so much thereof as shall not be sold for the purposes aforesaid.

7. An act to enable *Lillie Smith*, and his heirs by *Valentina* his wife (formerly *Valentina Aynscombe*) to take and use the surname of *Aynscombe*, pursuant to the will of *Thomas Aynscombe* esquire, deceased.

8. An act to enable *Edmund Garforth*, formerly called *Edmund Dring*, and his heirs, to take, use, and bear the surname and arms of *Garforth*.

9. An act to confirm a decree of the court of the dutchy of *Lancaster*, concerning certain marsh lands, called *Sutton Marsh*, in the county of *Lincoln*, and a conveyance, from

*Lascells Metcalfe* esquire, of the same to the corporation of the president and governors of the hospital founded at the sole costs and charges of *Thomas Guy* esquire.

10. An act for the sale of the rectory of Saint *Botolph without Aldgate, London*, the estate of *Thomas Kynaston* clerk, comprized in his marriage settlement, and for purchasing another estate, to be settled to the uses of the said settlement.

11. An act for vesting the estates of doctor *Simon Burton* deceased, in the counties of *Wilts* and *Southampton*, in trustees, to raise money for the payment of several debts and incumbrances, and for other purposes therein mentioned.

12. An act for confirming and establishing certain articles of agreement between the heirs at law and devisees of *Joceline* late earl of *Leicester*, deceased, for the settlement and disposition of the real estate of the said earl, and for rendering the said agreement more effectual for the purposes thereby intended.

13. An act for raising money out of the settled estates of *Richard Oakeley* esquire, in the counties of *Salop* and *Oxford*, for the payment of several debts and incumbrances, and for providing a recompence for the same, in such manner as is therein mentioned.

14. An act for vesting part of the settled estate of *Henry Talbot* esquire, in the county of *Warwick*, in him, in fee simple, discharged of the uses of his marriage settlement, upon his settling other lands, of greater value, to the same uses.

15. An act for sale of the estates of *William Moore* esquire, in the counties of *Sussex*, *Surrey*, and *Stafford*, for payment of debts and legacies.

16. An act to impower *Anne Colemore* widow, and her assigns, during the life of *Thomas Colemore* merchant, to make building leases of lands in and near *Birmingham*, in the county of *Warwick*.

17. An act to enable the guardian of *Elizabeth Sambrooke* and *Diana Sambrooke*, infants, to join with *Mary Sambrooke* their sister in making building leases of divers houses and tenements in the county of *Middlesex*.

18. An act to impower the guardians of *William Mitchell*, and other infants, to make leases of their estates in the several counties of *Huntingdon*, *Surrey*, *Middlesex*, *Cambridge*, *Leicester*, *Kent*, *Somerset*, and *Norfolk*, during their minorities.

19. An act for making a settlement of the real and personal estate of *Thomas Garrard* esquire, deceased, pursuant to his intention declared in his life-time, and at the desire, and with the consent of his six sons.

20. An act for vesting several estates of *Thomas Rolt* esquire, in trustees, to be sold for raising money, to discharge incumbrances affecting the same, and other debts; and for securing an equivalent, in respect of the settled part of such estates, for the benefit of his wife and infant son; and for the providing portions for his daughters, and for other purposes.

21. An act for sale of the real estate of *Richard Powys* esquire, deceased, for payment of his debts and daughters portions, and for other purposes therein expressed.

22. An act for sale of certain estates in *Tewin* and *Datchworth* in the county of *Hertford*, belonging to *Jane*, *Anne*, *Mary*, and *Susanna Awdrey*, *Kemeys*, infants, pursuant to an agreement entered into by their trustees for that purpose.

23. An act for sale of the settled and other estate of *John Curtis*, in the county of *Norfolk*, and applying part of the money arising thereby in payment of legacies and debts, and

and applying other part of such money in the purchase of other estates, to be settled to the like uses, and for other purposes therein mentioned.

24. An act for vesting the capital messuage, called *Great Frogmore*, with the lands and grounds thereunto belonging, devised by the will of *Mary*, late dutchess of *Northumberland*, in trustees, to be sold for the purposes therein mentioned.

25. An act for sale of certain estates in the counties of *Hereford*, *Monmouth*, and *Gloucester*, of *Robert Gwillym* esquire, and *Robert Gwillym* his son, for discharging incumbrances affecting the same, and for settling, in lieu thereof, other lands and hereditaments in the county of *Lancaster*, and for other purposes therein mentioned.

26. An act for vesting a farm and lands in *Cullumpton*, in the county of *Devon*, late the estate of *Robert Drew* gentleman, deceased, in trustees, in order to convey the same to *Henry Cruwys* gentleman, pursuant to an agreement with *Mary Drew* widow, and for discharging a mortgage on the said estate.

27. An act for sale of the estate of *Edward Masters* deceased, for payment of his debts, and for other purposes therein mentioned.

28. An act to dissolve the marriage of *Corbyn Morris* esquire, with *Elizabeth Fanshawe* his now wife, and to enable him to marry again, and for other purposes therein mentioned.

29. An act to impower *Mary Stillington* widow, to execute a power vested in *Joseph Stillington* esquire, her late husband, deceased, for raising money to complete the inclosure of the common fields and common grounds in the manor of *Kelfield*, in the county of *York*.

30. An act to enable *Thomas Bushell* esquire, and his descendants, to take and use the surname and arms of *Fettiplace*.

31. An act for naturalizing *Mark Liotard*, *Henry Ubthoff*, and *John David Ziegell*.

32. An act for naturalizing *Albert Vandenvelde* merchant.

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*Anno* 21 *Georgii* II.

Cap. 1. For continuing the duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *England*, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of *Great Britain* called *Scotland*, for the service of the year one thousand seven hundred and forty eight

Cap. 2. For granting to his Majesty a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom; and for raising a certain sum of money by annuities and a lottery, to be charged on the said subsidy; and for repealing so much of an act made in the twentieth year of his present Majesty's reign, as enacts, *That prize goods and merchandize may be exported without paying any duty of custom or excise for the same.*

Cap. 3. To revive and make perpetual two acts of parliament; one made in the twelfth year of the reign of his late majesty King *George* the First, intituled, *An act to prevent frivolous and vexatious arrests*; and the other made in the fifth year of his present Majesty's reign, to explain, amend, and render more effectual the said act.

Cap. 4. To prohibit assurance on ships belonging to *France*, and on merchandizes or effects laden thereon, during the present war with *France*.

Cap. 5. For repairing the high road from the town of *Bowes* in the county of *York*, to *Barnard Castle* in

the county of *Durham*, and from thence through *Staindrop* to *Newgate* in *Bishop Auckland*, and from *Newgate* along *Gibb Chair* to *Guandless Bridge*, and from thence by *Melderston Gill*, otherwise *Coundon Gill*, to the turnpike road near *Sunderland Bridge*, in the county of *Durham*.

Cap 6. To punish mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 7. For granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and forty eight.

Cap. 8. For impowering *George Montgomerie*, and *Thomas Byrd*, esquires, and *Ezra Patching*, to complete an undertaking, for furnishing the inhabitants of the several parishes and places of *Stratford*, *Westham*, *Bow*, *Bromley*, *Mile-end*, *Stepney*, and other parishes and places adjacent, with water; and for better securing their property in such undertaking.

Cap. 9. To indemnify persons who have omitted to qualify themselves for offices and employments, within the time limited by law, and for allowing further time for that purpose.

Cap. 10. For explaining, amending, and further enforcing the execution of an act passed in the last session of parliament, intituled, *An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties.*

Cap. 11. For further regulating the proceedings upon courts-martial in the sea service; and for extending the discipline of the navy to the crews of his Majesty's ships, wrecked, lost, or taken; and for continuing to them their wages upon certain conditions.

Cap. 12. For holding the summer assizes for the county of *Buckingham* at the county town of *Buckingham*.

Cap. 13. To rectify a mistake in an act made this session of parliament, intituled, *An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.*

Cap. 14. For permitting tea to be exported to *Ireland*, and his Majesty's plantations in *America*, without paying the inland duties charged thereupon by an act of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of six millions three hundred thousand pounds, by virtue of an act of this session of parliament.

Cap. 15. For enlarging the term and powers granted by an act passed in the eighth year of the reign of his present Majesty, for repairing the roads from the town of *Manchester*, leading through *Newton*, *Failsworth*, and *Oldham*, in the county palatine of *Lancaster*, to *Austerlands*, in the parish of *Saddleworth*, in the county of *York*; and for making the same more effectual.

Cap. 16. For enlarging the term and powers granted by an act passed in the tenth year of the reign of his present Majesty, *For repairing the road from* Hertford Bridge Hill, *to the town of* Basingstoke; *and also the road from* Hertford-Bridge Hill *aforesaid, to the town of* Odiham, *in the county of* Southampton; and for making the said act more effectual.

Cap. 17. To render more effectual an act made in the twentieth year of his Majesty's reign, intituled, *An act for relief of such of his Majesty's loyal subjects in that part of* Great Britain

Britain *called* Scotland, *whose title deeds and writings were destroyed or carried off by the rebels in the late rebellion.*

Cap. 18. For draining and preserving certain fen lands in the several parishes of *Maney*, *Upwell*, *Welney*, *Downham*, *Witcham*, and in a certain extraparochial place in *Byal Fen*, within the isle of *Ely* and county of *Cambridge*.

Cap. 19. For the more effectual trial and punishment of high treason and misprision of high treason, in the highlands of *Scotland*; and for abrogating the practice of taking down the evidence in writing in certain criminal prosecutions; and for making some further regulations relating to sheriffs depute and stewarts depute, and their substitutes; and for other purposes therein mentioned.

Cap. 20. For enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King *George* the First, for repairing the several roads leading from *Birmingham*, through the town of *Wednesbury*, to a place called *High Bullen*, and to *Great Bridge*; and from thence to the end of *Gibbet Lane*, next adjoining to the township of *Bilson*; and from *Great Bridge*, through *Dudley* to *King-Swinford*, and to the further end of *Brittel Lane*, in the counties of *Warwick*, *Stafford*, and *Worcester*.

Cap. 21. For erecting workhouses, for the better employing and maintaining the poor within the burgh of *Bury Saint Edmunds*, in the county of *Suffolk*; and for the better repairing and paving the streets and highways there.

Cap. 22. For enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King *George* the First, intituled, *An act for repairing the roads leading from the town of* Bromsgrove *to the town of* Dudley, *in the county of* Worcester; *and from the said town of* Bromsgrove *to the town of* Birmingham, *in the county of* Warwick; so far as the said act relates to repairing the roads leading from the town of *Birmingham* to the town of *Bromsgrove*, in the county of *Worcester*; and for making the same more effectual.

Cap. 23. For granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty eight; and for applying a sum of money remaining in the exchequer, arisen by the rates and duties on houses which determined at *Lady-day*, one thousand seven hundred and forty seven; and for the further appropriating the supplies granted in this session of parliament, and for applying a certain sum of money for defraying the charge of the allowances for the year one thousand seven hundred and forty eight, to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse lately reduced.

Cap. 24. For building a church in the town of *Liverpool*, in the county palatine of *Lancaster*, and for enlightening and cleansing the streets of the said town, and for keeping and maintaining a nightly watch there.

Cap. 25. For repairing the roads leading from *Sutton Colefield* common to the town of *Walsall* and from *Sneals Green* to *Walsall*, and from *Walsall* to *Park Brook*, which divides the parishes of *Wolverhampton* and *Walsall*, and from *Gibbet Lane* to *Wolverhampton*, and from *Compton* to the end of the county of *Stafford*, and from *Wolverhampton* to the *Wergs*, and from thence to *Shiffnall*, and from the *Wergs* to *Hales Heath*, and from *Wolverhampton*

*hampton* to *Cannock Wood* in the road to *Litchfield*.

Cap. 26. For explaining, amending, and enforcing an act made in the eighteenth year of the reign of his present Majesty, intituled, *An act for prohibiting the wearing and importation of cambricks and* French *lawns*.

Cap. 27. For repairing the high road from *Piersbridge* to *Kirkmerrington* in the county of *Durham*, and from thence to the turnpike road at *Tudhoe Lane* end in the said county.

Cap. 28. To explain and amend an act passed in the fourteenth year of his Majesty's reign, intituled, *An act for the preservation of the publick roads in that part of* Great Britain *called* England; and so much of an act passed in the third year of the reign of King *William* and Queen *Mary*, intituled, *An act for the better repairing and amending the highways, and for settling the rates of the carriage of goods*, as relates to the settling the rates of the carriage of goods.

Cap. 29. For the further relief of the orphans and other creditors of the city of *London*; and for other purposes therein mentioned.

Cap. 30. For encouraging the making of indico in the *British* plantations in *America*.

Cap. 31. For relief of insolvent debtors.

Cap. 32. For the relief of the annuitants of the wardens and commonalty of the mystery of *Mercers* of the city of *London*.

Cap. 33. To continue and amend several laws for the relief of debtors with respect to the imprisonment of their persons; and to rectify a mistake in an act passed in the last session of parliament for continuing several laws therein mentioned; and to continue two acts, the one passed in the nineteenth year, the other in the twentieth year of his present Majesty's reign, to prevent the spreading of the distemper amongst the horned cattle.

Cap. 34. To amend and enforce so much of an act made in the nineteenth year of his Majesty's reign, as relates to the more effectual disarming the highlands in *Scotland*, and restraining the use of the highland dress; and to masters and teachers of private schools and chaplains; and to explain a clause in another act made in the same year, relating to letters of orders of episcopal ministers in *Scotland*; and to oblige persons allowed to carry arms, and the directors of the banks there, and certain persons belonging to, or practising in the courts of session and justiciary, to take the oaths; and to repeal some clauses in an act made in the first year of the reign of his late majesty King *George* the First, whereby certain encouragements are given to landlords and tenants in *Scotland*, who should continue in their duty and loyalty to his said late Majesty; and for other purposes therein mentioned.

## *Private Acts.*

### *Anno* 21 *Georgii* II.

1. An act for naturalizing *Cæsar de Missy* and *Charles de Missy*.
2. An act for vesting the settled estate of the right honourable *Francis* earl *Brooke*, in the county of *Southampton*, in trustees, to be sold, and for laying out the money arising thereby, in the purchase of other hereditaments of equal or greater value, to be settled in lieu thereof, and for other purposes therein mentioned.
3. An act for impowering *Granville Leveson Gower*, commonly called lord *Trentham*, to raise portions for younger children; and also to explain and amend certain powers for making jointures in the settlement made

made on his marriage with *Elizabeth* his late wife.

4. An act to enable *James Stanley* esquire, commonly called lord *Strange*, eldest son and heir apparent of *Edward* earl of *Derby*, and his issue by *Lucy* his wife (late *Lucy Smith*) to take and use the surname of *Smith*, and bear the arms of *Smith* and *Heriz*.

5. An act for vesting the settled estate late of the honourable *Robert Bynge* esquire, deceased, and *Elizabeth* his wife, in the county of *Hertford*, in trustees, to be sold; and for applying the money arising by such sale, for the purposes therein mentioned.

6. An act for inrolling the will of *George* late viscount *Lanesborough* in the kingdom of *Ireland*, and making the exemplification thereof evidence in all courts in *Great Britain* and *Ireland*.

7. An act to confirm and establish an agreement for inclosing and dividing certain common fields in the hamlet of *Badbury* in the county of *Wilts*.

8. An act to enable *Robert Burton*, lately called *Robert Lingen*, and the heirs male of his body, to take and use the surname of *Burton* only, pursuant to the will of *Thomas Burton* esquire, deceased.

9. An act to enable his Majesty to grant the inheritance of the manors of *Wooking*, *Chabham*, and *Bagshott*, and other lands and hereditaments in the county of *Surrey*, to *Abel Walter*, esquire, and his heirs.

10. An act for naturalizing *Anthony Andre*, *David Andre*, and others.

11. An act for vesting a moiety of the late Sir *George Strode*'s estates, in the counties of *Dorset* and *Somerset*, in the right honourable *Francis* earl *Brooke*, as the same is now held and enjoyed by him, pursuant to Sir *George Strode*'s will, and the partition of the said estates made by virtue of a decree of the court of *Chancery*.

12. An act for the sale of certain lands in the parishes of *Barking* and *Dagenham*, in the county of *Essex*, part of the estate of the late Sir *Orlando Humfreys* baronet, deceased, for the purposes therein mentioned.

13. An act for vesting divers manors, lands and hereditaments in the county of *Suffolk*, late the estate of *Thomas Carthew* esquire, deceased, in his executors, to enable them to convey the same, pursuant to articles entered into for the purchase thereof.

14. An act for sale of the estate late of *Henry Fleetwood* esquire, deceased, in the county of *Lancaster*, for raising money to discharge the incumbrances affecting the same, and for laying out the surplus of the money arising by such sale, in the purchase of other lands and hereditaments, to be settled to the uses of a former settlement.

15. An act for vesting certain estates of *Thomas Lloyd* esquire, and *Anne* his wife, in trustees, to be sold for discharging incumbrances affecting the same, and for settling other estates to the uses of their marriage settlement.

16. An act for vesting the equity of redemption of divers messuages, lands, and hereditaments in *Kingston upon Hull*, and the county of *York*, late the estate of *George Dawson* esquire, deceased, in *Roper Dawson*, his eldest son and heir, upon his undertaking to discharge the several incumbrances affecting the same, and to make a provision for his brothers and sisters.

17. An act for confirming an agreement between *James Fox* and *John Bridges* esquires, for exchanging certain lands in the parish of *Cobham*, in the county of *Surry*, and for rendering the said agreement more

more effectual for the purposes thereby intended.

18. An act for sale of the settled estate of *George Chafin* esquire, in the counties of *Southampton* and *Surrey*, for paying off and discharging several debts and incumbrances, and for settling lands in the county of *Somerset*, in lieu thereof, to the like uses.

19. An act for vesting the settled estate late of *Joseph Banks* the elder esquire, deceased, in the parish of *Saint James*, within the liberty of *Westminster*, in trustees, in order to make sale thereof, and for laying out the money arising by such sale in the purchase of lands to be settled to the same uses.

20. An act for confirming certain articles of agreement between the creditors of *Hugh Naish* esquire, and the trustees named in an act of parliament of the eleventh year of his present Majesty, for vesting the real and personal estates of the said *Hugh Naish* in trustees, for the benefit of his creditors, and for other purposes therein mentioned.

21. An act for repealing of part, and for explaining and amending other parts of an act passed in the eighteenth year of the reign of his present Majesty, intituled, *An act for charging, selling, and applying part of the settled estate of* Anthony Keck *esquire, for raising money towards the purchase of the manors of* Dalby *and* Broughton *in the county of* Leicester, *contracted for pursuant to the will of* Anthony Keck *his Grandfather*, and for other purposes therein mentioned.

22. An act for sale of part of the estate late of *Corbet Kynaston* esquire, deceased, for the payment of debts affecting the same, and for other purposes therein mentioned.

23. An act for raising money out of an estate in the county of *Middlesex*, given by *Lawrence Sheriff*, for the founding and maintaining a school and alms-houses at *Rugby* in the county of *Warwick*, to be applied in rebuilding the said school, or purchasing one or more messuage or messuages, together with some ground adjoining thereto, and for the better support of the said charity.

24. An act for vesting the estates of *Richard Williams* a bankrupt (which were settled on his marriage with *Sarah Williams* his present wife) in the assignees under the commission of bankruptcy awarded against him, to be sold for payment of his debts, and for making a provision for the said *Sarah Williams*, and her issue, in such manner as therein is mentioned.

25. An act for inclosing, dividing, and exchanging the common fields, common pastures, common meadows, and other grounds, in the manor and township of *Faceby* in *Cleveland*, in the north riding of the county of *York*, and for providing certain recompences to the impropriators and vicar of *Faceby*, in lieu of tythes.

26. An act to confirm and establish an agreement, for inclosing and dividing a large open common pasture ground called *Somergangs*, otherwise *Somergams*, in the parish of *Drypool*, in the county of *York*.

27. An act for confirming and establishing agreements, for inclosing and exchanging lands in *Holton*, in the county of *Lincoln*, and for rendering the same more effectual for the purposes thereby intended.

28. An act for inclosing certain common pasture grounds, within the manors and parishes of *Langwith* and *Plesley*, and the hamlets of *Stoney Houghton* and *Shirbrook*, in the said parishes, in the county of *Derby*.

29. An act to enable *Richard Weddell* esquire (lately called *Richard Elcock*)

*eock)* and his iſſue, to take and bear the ſirname and arms of *Weddell*, purſuant to the will of *Thomas Weddell* eſquire, deceaſed; and for impowering the ſaid *Richard Weddell*, and thoſe in remainder after him, to make leaſes of the eſtates deviſed to him and them by the ſaid will.

30. An act for naturalizing *John Thorbeeke*.

31. An act for naturalizing *Peter Neau*.

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*Anno* 22 *Georgii* II.

Cap. 1. For continuing and granting to his Majeſty certain duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and forty nine.

Cap. 2. For granting an aid to his Majeſty by a land tax, to be raiſed in *Great Britain*, for the ſervice of the year one thouſand ſeven hundred and forty nine.

Cap. 3. Declaring the authority of the commiſſioners appointed by his Majeſty under the great ſeal of *Great Britain*, for receiving, hearing, and determining appeals in cauſes of prizes.

Cap. 4. For repairing and widening the road leading from the well at the north-weſt end of the town or village of *Farnborough* in the county of *Kent*, to a place called *Riverhill*, in the pariſh of *Sevenoaks*, in the ſaid county.

Cap. 5. For puniſhing mutiny and deſertion, and for the better payment of the army and their quarters.

Cap. 6. For repairing, enlarging, and preſerving the harbour of *Ellenſcot* in the county of *Cumberland*.

Cap. 7. For repairing the road from the *Weſt Cowgate* near the town of *Newcaſtle upon Tyne*, through the weſt end of *Kenton*, *Pont Eland*, *Higham Dykes*, *Newham Edge*, *Belſay Mill*, and *South Middleton*, to the north ſide of the river *Wanſpeck*, in the county of *Northumberland*.

Cap. 8. To continue two acts of parliament, one of the firſt and the other of the ninth year of the reign of his preſent Majeſty, for repairing and enlarging the road leading from the houſe called *The Sign of the Bells*, in the pariſh of *Saint Margaret* in *Rocheſter*, to *Maidſtone*, and other roads therein mentioned in the county of *Kent*; and for rendering the ſame more effectual.

Cap. 9. For repairing the road from *North Shields* in the county of *Northumberland*, to the town of *Newcaſtle upon Tyne*.

Cap. 10. For laying a duty of two pennies *Scots*, upon every *Scots* pint of beer and ale which ſhall be ſold or vended, brewed, brought in, or tapped for ſale, within the town of *Anſtruther Eaſter*, and liberties thereof.

Cap. 11. For draining and preſerving certain fen lands and low grounds in the ſeveral pariſhes of *Sutton*, *Mepall*, *Witcham*, *Chatteris*, *Dodingdon*, and a place called *Byal Fen*, in the *Iſle of Ely*, and county of *Cambridge*,; and alſo in the pariſhes of *Somerſham* and *Pidley* with *Fenton* in the county of *Huntingdon*.

Cap. 12. For continuing and making more effectual two acts of parliament, the one paſſed in the eleventh year of the reign of his late majeſty King *George* the Firſt, and the other in the third year of the reign of his preſent Majeſty, for repairing the road leading from *Sherbrook Hill* near *Buxton* and *Chapel in the Frith* in the county of *Derby*, through the town of *Stockport* in the county of *Cheſter*, to *Mancheſter* in the county of *Lancaſter*; and for amending other roads adjoining to the road directed to be repaired by the firſt mentioned act.

Cap. 13. For laying a duty of two pennies

pennies *Scots*, or one sixth part of a penny sterling, upon every *Scots* pint of ale and beer, which shall be brewed for sale, brought into, tapped, or sold, within the town of *Kingborn*, and liberties thereof.

Cap. 14. For continuing and making more effectual two acts of parliament, for repairing the highway between a certain place called *Kilburn Bridge* in the county of *Middlesex* and *Sparrows Herne* in the county of *Hertford*.

Cap. 15. For enlarging the term and powers granted by an act passed in the second year of the reign of his present Majesty, for repairing the several roads therein mentioned, leading into the town of *Leominster* in the county of *Hereford*; and for making the said act more effectual.

Cap. 16. For draining and improving certain fen lands within the manors and parishes of *Upwell* and *Outwell*, and the parishes of *Denver* and *Welney*, in the *Isle of Ely*, and counties of *Cambridge* and *Norfolk*.

Cap. 17. For effectually amending and repairing the road leading from *Wansford Bridge* in the county of *Northampton*, to the town of *Stamford* in the county of *Lincoln*.

Cap. 18. For enlarging the term and powers granted by an act passed in the third year of the reign of his present Majesty, for repairing the several roads leading into the city of *Hereford*.

Cap. 19. For the more effectual draining and preserving of several fen lands, and field lands, in the bounds and precincts of *Whittlesea* in the *Isle of Ely*, in the county of *Cambridge*.

Cap. 20. For making more effectual an act passed in the eleventh and twelfth years of the reign of King *William* the Third, for the better preserving the navigation of the rivers *Avon* and *Froome*; and for cleansing, paving, and enlightening the streets of the city of *Bristol*, so far as the same act relates to the paving and enlightening the said streets; and for the regulating hackney coachmen, halliers, draymen, and carters, and the markets, and sellers of hay and straw, within the said city and liberties thereof.

Cap. 21. For explaining and amending an act passed in the seventeenth year of his present Majesty's reign, intituled, *An act for raising and establishing a fund for a provision for the widows and children of the ministers of the church of* Scotland, *and of the heads, principals, and masters of the universities of* Saint Andrews, Glasgow, *and* Edinburgh.

Cap. 22. For the better ascertaining, recovering, and collecting certain duties commonly called petty customs, or wharfage, payable upon the importation and exportation of goods and merchandizes into, or out of the harbour of the borough and town of *Weymouth* and *Melcombe Regis* in the county of *Dorset*; and also of ballast and harbour-duties payable in respect of ships and vessels coming into, and going out of the said harbour, and for the better repairing and keeping in repair the said harbour and the wharfs, and other publick buildings and works within the said borough and town.

Cap. 23. To charge the sinking fund with the payment of annuities, in discharge of navy, victualling and transport bills, and ordnance debentures, to the amount therein mentioned.

Cap. 24. For remedying inconveniencies which may happen by proceedings in actions on the statutes of *Hue and cry*.

Cap. 25. To explain and amend so much of an act made in the ninth year of the reign of Queen *Anne*, intituled, *An act for establishing a general*

*general post office for all her Majesty's dominions; and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions*; as relates to horses or furniture to be let to persons riding post.

Cap. 26. For repairing and widening the several roads leading into the town of *Ross* in the county of *Hereford*.

Cap. 27. For the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linnen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages.

Cap. 28. For continuing two acts of parliament, the one passed in the thirteenth year of the reign of his late majesty King *George* the First, for amending the several roads leading from the city of *Bristol*; and the other passed in the fourth year of the reign of his present Majesty, to explain and amend the same act; and for making the said acts more effectual; and also for repairing other roads therein mentioned.

Cap. 29. For making an authentick roll of valuation for the shire of *Argyll*.

Cap. 30. For encouraging the people known by the name of *Unitas Fratrum*, or *United Brethren*, to settle in his Majesty's colonies in *America*.

Cap. 31. For opening and making a new road from the east end of *New Street* in the parish of *Saint John, Southwark*, to and through the several places therein mentioned; and for keeping the said road in repair for the future.

Cap. 32. For enlarging the term and powers granted by an act passed in the eighteenth year of the reign of his present Majesty, for repairing the high road leading from *Borough Bridge* in the county of *York*, through *North Allerton* in the same county, to *Croft Bridge* on the river *Tees*; and from thence through *Darlington* in the county of *Durham*, to the city of *Durham*; and for making the same more effectual.

Cap. 33. For amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea.

Cap. 34. For enlarging the term and powers granted by an act made in the third year of the reign of his present Majesty, intituled, *An act for making a new road, and for repairing and amending the ancient road between the towns of* Wisbech *and* March, *in the* Isle of Ely *and county of* Cambridge.

Cap. 35. For repairing and widening the road leading from the town of *Kingston upon Thames* in the county of *Surry*, to a place called *Sheetbridge*, near *Petersfield* in the county of *Southampton*; and also the road from *Hindhead Heath*, through *Fernhurst Lane* and *Midhurst*, to the city of *Chichester* in the county of *Sussex*.

Cap. 36. For the more effectual preventing the importation and wear of foreign embroidery and brocade, and of gold and silver thread, lace, or other work made of gold or silver wire manufactured in foreign parts.

Cap. 37. For the better securing his Majesty's duties arising upon coal, culm, and cinders, exported beyond sea.

Cap. 38. To prevent the mischiefs which may happen by keeping too great quantities of gunpowder in any

any one place, or carrying too great quantities of gunpowder together from one place to another.

Cap. 39. For enlarging the powers granted by an act passed in the sixteenth year of the reign of his present Majesty, for repairing the road from *Borough-bridge*, in the county or *York*, to *Catherick* in the same county, and from thence to *Piersebridge* on the river *Tees*.

Cap. 40. For enlarging and maintaining the harbour of *Ramsgate*, and for cleansing, amending, and preserving the haven of *Sandwich*.

Cap. 41. For rectifying mistakes in the names of several of the commissioners appointed to put in execution the act for granting a land tax for the year one thousand seven hundred and forty eight, and for appointing other commissioners, together with those named in the said act, to put in execution an act for granting a land tax for the year one thousand seven hundred and forty nine, and for directing the names of collectors of the said tax to be certified to the receivers general; and for the relief of the borough of *Honiton* as to arrears of the land tax, and the house and window taxes, for the years one thousand seven hundred and forty seven, and one thousand seven hundred and forty eight.

Cap. 42. For granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty nine; and for enabling his Majesty to raise a further sum of one million for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament; and for applying a certain sum for defraying certain charges and allowances to the officers and private gentlemen of the reduced troops of horse guards; and for continuing the bounties on the exportation of *British* and *Irish* linnens; and for making forth duplicates of exchequer bills, lottery tickets, receipts, annuity orders, or other orders lost, burnt, or otherwise destroyed.

Cap. 43. For the further enlarging the term and powers granted and continued by two acts of parliament, the one passed in the twelfth year of the reign of her late majesty Queen *Anne*, and the other in the twelfth year of the reign of his late majesty King *George* the First, *For repairing the roads from the city of* Worcester, *through the borough of* Droitwich *to* Dyers Bridge *near* Bromsgrove, *in the county of* Worcester; *and also for repairing the roads from* Dyers Bridge *through the town of* Bromsgrove *to* Spadesbourn Bridge, *and from* Droitwich *to* Bradley Brook, *in the same county*.

Cap. 44. To enable such officers, mariners, and soldiers, as have been in his Majesty's service since his accession to the throne, to exercise trades.

Cap. 45. For the further encouragement and enlargement of the whale fishery, and for continuing such laws as are therein mentioned relating thereto; and for the naturalization of such foreign protestants as shall serve, for the time therein mentioned, on board such ships as shall be fitted out for the said fishery.

Cap. 46. To continue several laws for preventing exactions of the occupiers of locks and wears upon the river *Thames* westward, and for ascertaining the rates of water carriage upon the said river; and for continuing, explaining, and amending the several laws for the better regulation of attornies and solicitors; and for regulating the price and assize of bread; and for preventing the spreading of the distemper amongst the horned cattle; and also

also for making further regulations with respect to attornies and solicitors; and for further preventing the spreading of the distemper amongst the horned cattle; and for the more frequent return of writs in the counties palatine of *Chester* and *Lancaster*; and for ascertaining the method of levying writs of execution against the inhabitants of hundreds; and for allowing *Quakers* to make affirmation in cases where an oath is or shall be required.

Cap. 47. For the more easy and speedy recovery of small debts, within the town and borough of *Southwark*, and the several parishes of of *Saint Saviour*, *Saint Mary* at *Newington*, *Saint Mary Magdalen Bermondsey*, *Christ Church*, *Saint Mary Lambeth*, and *Saint Mary* at *Rotherhithe*, in the county of *Surry*, and the several precincts and liberties of the same.

Cap. 48. To ascertain and establish the method of proceeding to and upon outlawries for high treason, and misprision of high treason, in *Scotland*.

Cap. 49. For making a free market for the sale of fish in the city of *Westminster*; and for preventing the forestalling and monopolizing of fish; and for allowing the sale of fish, under the dimensions mentioned in a clause contained in an act of the first year of his late Majesty's reign, in case the same are taken with a hook.

Cap. 50. For the better repairing the highways, and cleansing the streets, within the parish of *Saint Leonard Shoredith*, in the county of *Middlesex*; and for better enlightening the open places, streets, lanes, passages, and courts there; and regulating the nightly watch, and bedels, within the said parish.

Cap. 51. For enlarging the terms and powers granted by an act passed in the twentieth year of the reign of his present Majesty, for repairing the high road leading from the town of *Stockton upon Tees* to *Darlington*, and from thence through *Winston* to *Barnard Castle* in the same county, and for the effectual amending of the same.

Cap. 52. For vesting the several estates of *James* late earl of *Derwentwater* and *Charles Radcliffe* deceased, comprized in several settlements therein mentioned, in trustees, for an absolute estate of inheritance, for the benefit of the royal hospital at *Greenwich*, and for raising certain sums of money out of part of the said estates, for the relief of the children of the said *Charles Radcliffe*.

*Private Acts.*

*Anno* 22 *Georgii* II.

1. An act for enclosing and dividing *East Woodhey Down*, and the open and common fields of *East Woodhey* and *Hollington* in the county of *Southampton*, pursuant to an agreement entered into for that purpose.
2. An act for enabling *John Griffin Whitwell* esquire, and his issue, to take and use the surname and arms of *Griffin*.
3. An act to enable *Samuel Grundy* (now called *Samuel Swinfen*) and the heirs male of his body, to take and use the surname and arms of *Swinfen*.
4. An act for naturalizing *Martin Klencke*, *John James Grand*, and *Anthony Columbies*.
5. And act for naturalizing *Gabriel Guillon*.
6. An act for confirming an order and rule of the court of *Common Pleas*, for assessing certain lands and tenements in the manor of *Betlow*, to the parochial rates and levies of and in the parish of *Tring*, in the county of *Hertford*.
7. An act for confirming and establishing an agreement for dividing and inclosing certain open fields

and lands in the manors of *Wakerley* and *Wittering*, in the county of *Northampton*.

8. An act for confirming articles of agreement and award for inclosing and dividing the heaths, wastes, fields, and common grounds in the township of *Norton juxta Twicross*, in the county of *Leicester*.

9. An act for settling a certain yearly payment to the rector of *Broughton* in the county of *Bucks*, for the time being, in lieu of tythes, and for other purposes therein mentioned.

10. An act for explaining and amending a power given by the marriage settlement of *Richard Luther* esquire, and *Charlotte* his wife, and for making the same more effectual for the benefit of the children of that marriage.

11. An act for impowering the committee of the estate of *John Rogers* esquire, a lunatick, to make surrenders and leases of the freehold and leasehold estates of the said lunatick, during his lunacy.

12. An act to enable and oblige *Charles Fitz Roy* esquire, and *Frances* his wife, and the issue of her body, to take and use the additional surname, and bear the arms of *Scudamore*.

13. An act for authorizing and impowering *Thomas Harrison* to take and use the surname of *Kimpson*, in performance of a condition contained in the will of *Thomas Kimpson* clerk, deceased.

14. An act to enable *Joseph Foster Barham* esquire, and his issue, to take and use the surname of *Barham*, pursuant to the will of *Henry Barham* esquire deceased.

15. An act to dissolve the marriage of *Samuel Rash* gentleman, with *Dorothy Fuller*, his now wife, and to enable him to marry again, and for other purposes therein mentioned.

16. An act for naturalizing *George William Renner*, and *Frederick Christopher Pritzler*.

17. An act for naturalizing *Magdalen Aldworth*.

18. An act for naturalizing *Charles Louis Courant*.

19. An act for divesting the crown of the reversion in fee simple of and in the manors of *Spalding* and *Holbech*, and of several lands, tenements, and hereditaments to the same belonging, in the county of *Lincoln*, and of and in a piece or parcel of ground in the parish of *Saint Martin in the Fields*, in the county of *Middlesex*, and the buildings thereon, expectant on certain estates tail, and for vesting the same in certain other persons therein named, to the intent the same may be barred by proper methods in law, for the purpose therein mentioned.

20. An act to enable *Charles* earl of *Peterborow*, or the other heirs of entail, to sell lands in the counties of *Kincarden* and *Aberdeen*, for payment of debts charged thereupon, and other purposes therein mentioned.

21. An act to enable the bishop of *London*, or his successors, to demise or sell the capital messuage or mansion house called *London House*, for the benefit of the bishoprick of *London*.

22. An act for applying part of the personal estate of *Gilbert* late lord bishop of *Salisbury*, for the purchasing of lands or rents in perpetuity in *Scotland*, to be settled to several charitable uses and purposes in his will mentioned.

23. An act for confirming and establishing an agreement between *Henry* lord *Teynham* and Sir *Francis Curson* baronet, for a partition of the estate of *John Powell* esquire, deceased, and for rendering the said agreement more effectual for the purposes

purposes thereby intended, and for other purposes therein mentioned.

24. An act for raising money upon the settled estate of *William* lord viscount *Vane*, for the payment of his debts.

25. An act for sale of the inheritance of part of the settled estate of *Charles* lord viscount *Fane*, in the county of *Devon*, and in the county of *Limerick*, in the kingdom of *Ireland*, for discharging debts and incumbrances; and also for settling another estate in the county of *Berks*, in lieu thereof; and for securing a rent charge to *Mary* viscountess *Fane*, as a compensation for her estate for life, in the premisses in the county of *Devon*.

26. An act to enable the making of leases and setts of mines of the estates of Sir *Richard Vyvyan* baronet, an infant, in the counties of *Cornwall* and *Devon*, during his minority.

27. An act for selling the manors, advowson, rectory, woods, lands, and hereditaments, devised by the will of Sir *John Williams* knight, deceased, for the purposes therein mentioned; and for laying out the money arising by such sale in the purchase of other lands and hereditaments, to be settled in lieu thereof.

28. An act for discharging the estate of *William Levinz* esquire, in *Bilby*, *Ranby*, and *Stirrop*, in the county of *Nottingham*, from a yearly payment of thirty pounds given by Sir *Creswell Levinz* knight, for charitable uses, and for charging the same on his estate at *Grove* in the same county.

29. An act for vesting the undivided fifth part of divers lands and hereditaments in the county of *Sussex*, the estate of *Ebenezer Marlow*, and *William Marlow* his son, an infant, in trustees, in trust, to sell the same for the purposes therein mentioned.

30. An act for vesting part of the settled estate of *Nathaniel Cotton* doctor in physick, lying in the county of *Hertford*, in trustees, in trust, to sell the same, and to lay out the money arising by such sale in the purchase of another estate to be settled to the uses of his marriage settlement.

31. An act for vesting the inheritance of the real estate late of *John Lockwood* gentleman, deceased, in trustees, for the payment of the incumbrances charged upon the same, by virtue of and under his will.

32. An act for sale of part of the settled estate of *Nicholas Glynn* esquire, deceased, for discharging incumbrances, and for other purposes therein mentioned.

33. An act for vesting the settled estate of *Walter Hawksworth* esquire, in the county of *York*, in him and his heirs, and for settling the manor of *Hawksworth* in the same county, in lieu thereof, to the like uses.

34. An act for disposing of part of the real estate of *William Robinson Lytton* esquire, deceased, directed by his will to be sold for raising portions for his daughters, in order to discharge incumbrances affecting the same, and for other purposes therein mentioned.

35. An act for sale of part of the estate of *Francis Gwyn* esquire, in the county of *Devon*, for raising money to discharge his sisters portions, and other incumbrances affecting the same, and for other purposes therein mentioned.

36. An act for sale of a messuage, and certain freehold and copyhold lands and hereditaments in *Twickenham* in the county of *Middlesex*, the estate of *Mary Middleton* widow, and others, and for vesting the money arising thereby, in trustees, for the same uses to which the said estate now stands settled.

37. An

*The* END *of the* TABLE.

# THE

# STATUTES at Large, &c.

## Anno vicesimo GEORGII II. Regis.

AT *the parliament begun and holden at* Westminster, *the first day of* December, Anno Dom. 1741, *in the fifteenth year of the reign of our sovereign Lord* George *the Second, by the grace of God, of* Great Britain, France, *and* Ireland, *King, defender of the faith,* &c. *And from thence continued by several prorogations to the eighteenth day of* November, 1746, *being the sixth session of this present parliament.*

### CAP. I.

*An act for the further continuing an act made in the last session of parliament, intituled,* An act to impower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government. EXP.

WHEREAS *a wicked and unnatural rebellion being begun in that part of this kingdom called* Scotland, *by divers of his Majesty's subjects, encouraged by his enemies abroad, in order to set a popish pretender upon the throne, to the utter destruction of the protestant religion, and the laws and liberties of this free constitution, an act passed in the last session of parliament, intituled,* An act to impower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government; *and the said act is thereby declared to continue until the nineteenth day of* April, *in the year of our Lord one thousand seven hundred and forty six: and whereas one other act passed in the same session of parliament, intituled,* An act for continuing an act of this present session of parliament, intituled, *An act to impower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government; whereby it was enacted, That the said first mentioned act, and all and every the clauses, provisoes, powers, and authorities therein contained, should continue and remain in full force and vigour, from and after the said nineteenth day of* April, *for and until the twentieth day of* November, *in the year of our Lord one thousand seven hundred and forty six, and*

19 Geo. 2. c. 24.

19 Geo. 2. c. 27.

*no longer: and whereas it is necessary for the publick safety, that the said first recited act should be further continued:* now, for the better preservation of his Majesty's sacred person, and for securing the peace of this kingdom in this particular conjuncture, against all traiterous attempts and conspiracies whatsoever; be it enacted, *&c.*

*The first act continued till 20 Feb. 1746.*

## CAP. II.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and forty seven. Exp. *At 4s. in the pound.*

## CAP. III.

*An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties.*

7 & 8 W. 3. c. 18. *See* 20 Geo. 2, c. 42. 21 Geo. 2. c. 10.

WHEREAS *by an act of parliament made and passed in the seventh and eighth years of the reign of his late majesty King* William *the Third, of glorious memory, intituled,* An act for granting to his Majesty several rates or duties upon houses, for making good the deficiency of the clipped money; *it was amongst other things enacted, That for and during the term of seven years, to commence and be accounted from the twenty fifth day of* March, *in the year of our Lord one thousand six hundred and ninety six, and no longer, there should be charged, levied, and paid unto his said late Majesty, his heirs and successors, for and upon every dwelling-house inhabited, which then was, or that hereafter should be erected within the kingdom of* England, *dominion of* Wales, *or town of* Berwick upon Tweed, *the annual or yearly sums therein mentioned; that is to say,*

*For every such dwelling-house inhabited, then erected, or which should thereafter be erected, within the said kingdom of* England, *dominion of* Wales, *or town of* Berwick upon Tweed, *the yearly sum of two shillings.*

*And for every such dwelling-house inhabited, having ten windows, or more, and under the number of twenty, the sum of four shillings yearly, over and above the said yearly sum of two shillings.*

*And for every such dwelling-house inhabited, having twenty windows, or more, the yearly sum of eight shillings, over and above the said yearly sum of two shillings.*

*Which said sums of money were, by the said act, directed to be charged upon, and paid by the inhabitants or occupiers of such dwelling-houses, and not the landlords who lett or demised the same, and were to be raised, levied, collected, answered, and paid unto his Majesty, at such times, and in such manner and form, and by such ways and means,*

*and under such penalties and forfeitures, and applied to such uses and purposes, as are mentioned and prescribed in the said act: and whereas by one other act passed in the eighth and ninth years of the reign of his said late Majesty, (intituled,* An act for making good the deficiencies of several funds therein mentioned, and for enlarging the capital stock of the bank of *England*, and for raising the publick credit) *the said rates and duties granted by the before recited act, were continued until the first day of* August, *one thousand seven hundred and six; and by one other act passed in the first year of the reign of her late majesty Queen* Anne, (*intituled,* An act for making good deficiencies, and for preserving the publick credit) *the said rates and duties upon houses, granted and continued by the two acts of parliament before recited, were further continued until the first day of* August, *one thousand seven hundred and ten; and by one other act made and passed in the fifth year of the reign of her said late majesty Queen* Anne, (*intituled,* An act for continuing the duties upon houses, to secure a yearly fund for circulating exchequer bills, whereby a sum not exceeding fifteen hundred thousand pounds is intended to be raised for carrying on the war, and other her Majesty's occasions) *the said rates and duties upon houses, granted and continued by the several acts before recited, were made perpetual for the uses and purposes therein mentioned, subject to redemption by parliament, and divers provisions and directions are contained in the several before recited acts, for raising, levying, collecting, and paying the said rates and duties, and for applying the same to the uses and purposes specified in the said acts: and whereas by an act passed in the eighth year of the reign of her said late majesty Queen* Anne, (*intituled,* An act for continuing part of the duties upon coals, culm, and cinders, and granting new duties upon houses having twenty windows or more, to raise the sum of fifteen hundred thousand pounds, by way of a lottery, for the service of the year one thousand seven hundred and ten) *it was, amongst other things enacted, That for and during the term of thirty two years, to be accounted from the twenty ninth day of* September, *one thousand seven hundred and ten, there should be charged, raised, collected, levied, and paid unto her Majesty, her heirs and successors, for and upon every dwelling-house inhabited, that then was, or thereafter should be erected or built within the kingdom of* Great Britain, *having twenty windows, or more, and under thirty windows, the yearly sum of ten shillings; and for every such dwelling-house having thirty windows, or more, the yearly sum of twenty shillings: which said new or additional duties, as to such houses as are in* England, Wales, *or the town of* Berwick upon Tweed, *were directed to be paid by the respective occupiers or inhabitants of such dwelling-houses, over and above the several duties amounting to ten shillings* per annum, *chargeable upon houses there, by virtue of former acts of parliament in that behalf: and by one other act made and passed in the fifth year of the reign of his late majesty King* George *the First, of glorious memory,* (*intituled,* An act for redeeming the fund appropriated for payment of the lottery tickets which were made forth for the service of the year one thousand seven hun-

8 & 9 W. 3. c. 20.

1 Annæ, st. 1. c. 13.

5 Annæ, c. 13.

8 Annæ, c. 4.

5 Geo. 1. c. 19.

dred and ten, by a voluntary subscription of the proprietors into the capital stock of the *South Sea* company; and for raising a sum of money to pay off such debts and incumbrances as are therein mentioned; and for appropriating the supplies granted in this session of parliament; and to limit times for prosecutions upon bonds for exporting cards and dice) *the said new or additional duties upon houses were made perpetual, for the uses and purposes therein mentioned, subject to redemption by parliament; and divers provisions and directions are contained in the two last recited acts, for the raising, managing, collecting, and paying the said additional duties, as in and by the said acts, relation being thereunto had, may more fully appear: and whereas the revenue arising by the said several and respective rates and duties upon houses hath for some years past greatly decreased, and the same is still likely to diminish*; we your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, think it will be for the advantage of the publick to repeal the present rates and duties upon houses, and in lieu thereof to grant unto your Majesty the several new rates and duties herein after mentioned, as well for securing a certain fund for payment of such incumbrances as are now charged upon the said rates and duties upon houses, as to enable your Majesty to raise a certain sum of money towards the supply for the service of the year one thousand seven hundred and forty seven; and therefore do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and forty seven, all the rates and duties, and additional rates and duties upon houses, granted, continued, and made perpetual by the several acts of parliament herein before recited, shall cease, determine, and be no longer paid or payable; and that then and from thenceforth all the powers and authorities given or granted by the said several acts, so far as the same relate to levying, securing, collecting, or recovering the said rates and duties upon houses, and all penalties and forfeitures relating thereto, shall also cease, determine, and not be put in execution; save only and except in all cases relating to the recovering any arrears, which may at that time remain unpaid, of the said rates and duties upon houses, or to any penalties or forfeitures in respect thereof which shall have arisen or grown due and payable to his Majesty, or may have been incurred, upon or at any time before the said twenty fifth day of *March*, one thousand seven hundred and forty seven; any thing herein before contained to the contrary notwithstanding.

*Amended by* 20 Geo. c. 42. 21 Geo. 2. c. 19.

The rates upon houses to cease from 25 March, 1747.

Arrears, &c. recoverable.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, one thousand seven hundred and forty seven, there shall be charged, raised, levied, and paid unto his Majesty, his heirs and succes-

The rates laid upon houses by this act,

fors,

sors, the several rates and duties upon houses, windows, or lights, herein after mentioned; that is to say,

For and upon every dwelling-house inhabited, which now is, or hereafter shall be erected within that part of *Great Britain* called *England*, the yearly sum of two shillings.

And for every window or light, in every dwelling-house within and throughout the whole kingdom of *Great Britain*, which shall contain ten, eleven, twelve, thirteen, or fourteen windows or lights, the yearly sum of six pence for every window or light in such house.

And for every window or light, in every dwelling-house as aforesaid, which shall contain fifteen, sixteen, seventeen, eighteen, or nineteen windows or lights, the yearly sum of nine pence for each window or light in such house.

And for every window or light, in every such dwelling-house as aforesaid, which shall contain twenty windows or lights, and upwards, the yearly sum of one shilling for each window or light in such house as aforesaid.

III. Provided nevertheless, and it is the true intent and meaning of this act, that the said several and respective yearly sums before charged upon every window or light, contained in every dwelling-house in *England* as aforesaid, shall be paid over and above the said duty of two shillings upon houses before mentioned; which said several rates and duties by this act granted as aforesaid, shall be appropriated to the several uses and purposes herein after mentioned, subject nevertheless to the proviso or condition of redemption herein after contained in that behalf.

to be paid over and above the duty of 2 s. on houses.

IV. And be it further enacted by the authority aforesaid, That the said rates and duties by this act granted as aforesaid, shall be paid quarterly, at the four most usual feasts or days of payment in the year; that is to say, the feasts of the nativity of Saint *John* the Baptist, Saint *Michael* the Archangel, the birth of our Lord Christ, the annunciation of the blessed virgin *Mary*, by even and equal portions; the first payment thereupon to be made at the feast of the nativity of Saint *John* the Baptist, which shall be in the year of our Lord one thousand seven hundred and forty seven.

Rates to be paid quarterly.

V. And be it further enacted by the authority aforesaid, That the rates and duties by this act granted as aforesaid, shall be charged only upon the inhabitants or occupiers for the time being of the respective dwelling-houses, in which such windows or lights are contained, his, her, or their executors or administrators respectively, and not on the landlord who lett or demised the same, except in such case as is in this act hereafter mentioned.

Charged only upon the tenant.

VI. And be it further enacted by the authority aforesaid, That for the better execution of this act, and for the ordering, raising, collecting, levying, and paying of the several sums of money hereby granted, all and every the persons named or appointed,

Commissioners of the land-tax to be commissioners for this act.

pointed to be commissioners for putting in execution an act of this present session of parliament (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in* Great Britain, *for the service of the year one thousand seven hundred and forty seven*) or by any other act or acts of parliament thereby referred unto, or who shall hereafter be named or appointed commissioners for putting in execution any future act or acts of parliament for granting an aid to his Majesty, his heirs or successors, by a land tax in *Great Britain*, shall be commissioners for putting in execution this present act, and the powers therein contained, in all and every the respective counties, shires, stewartries, ridings, cities, boroughs, cinque-ports, towns, and place respectively, within *Great Britain* as aforesaid; which said commissioners, in order to the speedy execution of this act, shall, in their respective counties, shires, stewartries, ridings, cities, boroughs, cinque-ports, towns, and places for which they are appointed commissioners respectively, meet together at the most usual or common place of meeting, within such of the said counties, shires, stewartries, cities, boroughs, cinque-ports, towns, and places respectively, on or before the eighteenth day of *April*, one thousand seven hundred and forty seven; and in like manner to meet yearly, and every year, at such day or time as shall be appointed for the first general meeting of the commissioners, to be appointed by any future act or acts of parliament for granting an aid to his Majesty by a land tax, or on such other day as the said commissioners shall think proper to appoint before the thirtieth day of *April* yearly; and the said commissioners, or so many of them as shall be present at the first general meeting, or the major part of them, may, by their consents and agreements, divide, as well themselves as other the commissioners not then present for the execution of this act, in hundreds, lathes, wapentakes, rapes, wards, towns, and other places within their limits, privileged or not privileged, in such manner as to them shall seem meet; and shall direct their several or joint precept or precepts to such inhabitants, and such number of them as they in their discretion shall think most convenient to be presentors and assessors, requiring them to appear before the said commissioners, at such time and place as they shall appoint, not exceeding ten days; and at such their appearances, the said commissions, or so many of them as shall meet, shall openly read, or cause to be read unto them, the several rates and duties in this act mentioned, and openly declare the effect of their charge unto them, and how and in what manner they ought and should make their certificates and assessments according to the several rates aforesaid; and shall then and there prefix another day for the said persons to appear before the said commissioners, and bring in their certificates in writing under their hands, to be verified upon their oaths, and not otherwise, of every dwelling-house inhabited and charged by this act, within the limits of those places for which they are to act, and of the number of windows or lights in each house, together with the names and surnames of the several

Time and place of commissioners meeting.

Commissioners to divide themselves,

and issue precepts to assessors, &c.

Day to be prefixed for bringing certificates, &c.

several occupiers or inhabitants of each respective dwelling-house, and of the several sums of money they ought to pay by virtue of this act, without concealment or favour, upon pain of forfeiture of any sum, not exceeding five pounds, nor less than forty shillings, to be levied as by this act is appointed, and shall also then return the names of two or more able and sufficient persons, within the bounds or limits of those parishes or places where they shall be assessors respectively, to be collectors of the several rates and duties granted to his Majesty by this act, for whose paying unto the receiver general now appointed, or for the time being to be appointed by his Majesty, or by the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury for the time being, his deputy or deputies, in manner following, such money as they shall be charged withal, the parish or place by whom they are so employed shall be answerable; and every assessor, so as aforesaid appointed or to be appointed, shall, before he take upon him the execution of the said employment, take the oaths mentioned and required to be taken by an act made in the parliament held the first year of the reign of King *William* and Queen *Mary*, intituled, *An act for abrogating the oaths of allegiance and supremacy, and appointing other oaths*, which oaths any three or more of the commissioners in the county, shire, stewartry, city or place where the said assessment is to be made, have hereby power, and are hereby required to administer, as also all and every such other oaths, as are by this act required to be taken by any officer or person whatsoever.

Persons to be returned for collectors,

the parish answerable for them.

Assessors to take the oaths.

VII. And be it further enacted by the authority aforesaid, That the rates and duties charged by this act shall be ascertained, and the certificates thereof returned to the said commissioners, on or before the fourth day of *June* yearly; and upon the delivery and return of such certificates or assessments unto the said commissioners, they, or any three or more of them, shall, at least ten days before any of the rates and duties by this act granted shall become due and payable, issue out and deliver their warrants or estreats, under their hands and seals, to such collectors as aforesaid, for the speedy collecting and levying of the said rates and duties, as they shall respectively become due and payable, and all monies and rates due thereupon, according to the intent and directions of this present act; of all which the said collectors are hereby required to make demand of the parties chargeable therewith, or at the places of their last abode, within ten days after the said duties hereby granted shall respectively become due and payable, and upon payment thereof, to give acquittances under their hands (without taking any thing for such acquittances) unto the several persons who shall pay the same; and that such acquittances shall be a full and perfect discharge to every such person who shall pay the same, against his Majesty, his heirs and successors; and the said collectors are hereby required to pay in all such sums of money as they shall receive, within twenty days after the receipt thereof, at such place

The rates to be ascertained, and certificates returned by 4 June yearly.

Commissioners when to issue their warrants,

and collectors to make demand of the rates, &c.

Collectors when to pay in the monies.

as the commissioners shall appoint, unto the respective receiver general, his deputy or deputies, who are hereby impowered and required to call upon and hasten the collectors to make the said payment; and in default of such payment to levy, by warrant under the hands and seals of any three or more of the commissioners, upon the collectors, by distress and sale of his or their goods and chattels, such sum and sums of money as he hath received, and as ought by him to have been paid, and is not paid by reason of his failure in doing his duty, according to the direction of this act.

Commissioners to hasten the collectors, and to distrain in case of non-payment.

Collectors to give copies of their assessments and collections to the commissioners.

VIII. And be it further enacted, That for the better charging the duties arising by this act, the collectors of the said duties shall cause a copy of the respective assessments given to them, and of the collection made by them, for such division, parish, or place for which they were appointed collectors respectively, to be fairly written and signed by them, but with such alterations therein as shall be necessary, by reason of any new houses erected or the number of windows in any house being increased, or by reason of the change of inhabitants or occupiers of any house, or otherwise, or a true duplicate thereof, signed as aforesaid, to be delivered unto three or more of such commissioners for the respective counties, shires, stewartries, ridings, cities, towns, divisions, or places for which they were appointed collectors, respectively, within the space of ten days after the first meeting of the commissioners yearly.

Commissioners to examine the certificates, &c.

IX. And be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, shall, and they are hereby authorized and required strictly to peruse the certificates or assessments, which by this act are before directed to be annually delivered to them, and also to examine the assessors and presentors thereof; and if the said commissioners, or any three of them, within their several limits or divisions, shall, at the time of the delivery of such certificates or assessments, or within ten days after, have certain knowledge or cause to suspect that any dwelling-house or houses, or the names of any persons which ought to be charged by this act, are omitted in the said certificates, or the full number of windows in any house not set down, or that any dwelling-house is under-charged, or not duly charged, according to the directions of this act, the said commissioners, or any three of them, shall have power to summon the person or persons inhabiting such dwelling-house to appear before them at a day and place to be prefixed, to be examined touching the rates and duties aforesaid, or touching other matters which may any way concern the premisses; and if any person or persons summoned to be so examined shall neglect to appear, not having a reasonable excuse for such his default, every person so making default shall pay unto his Majesty double the sum of the rate he should or ought to have been set at; and moreover the said commissioners, to whom such certificates or assessments shall be delivered, or any three of them, or any other three commissioners of the respective counties, shires, or stewartries,

and on suspicion of wrong charge, to summon the occupier.

Person summoned not appearing, to pay double rate.

tries, where such assessment shall be made, shall have power, and are hereby required, by all lawful ways and means, to examine and enquire into and concerning the number of windows or lights in any dwelling-house thereby charged, or of any dwelling-house omitted to be charged, and thereupon to enlarge, alter, abate, or diminish the said assessments so delivered to the said commissioners, so that such rate or rates may be set and imposed upon every such dwelling-house as shall be according to the true intent and meaning of this act; and the said commissioners, or any three or more of them, shall, after such perusal and examination thereof, set their hands to the said respective assessments, testifying their allowance thereof, and shall likewise nominate and appoint two of the persons named in the said certificate or assessment to be collectors, or any other two such persons as they shall think able and responsible, for the respective divisions and places for which they were so presented; and shall forthwith deliver, or cause to be delivered, such assessment so by them allowed of, unto the respective persons by them nominated to be collectors for the year ensuing, who are hereby strictly enjoined and required to collect and pay the several rates and duties so rated and assessed, and to give acquittances according to the directions herein before contained for and touching the collectors of the said duties hereby granted, and under the several penalties and forfeitures hereby inflicted upon collectors for neglect or non-performance of their duty.

Commissioners to examine into the number of windows charged, and settle the rates.

Commissioners to sign the assessments, and nominate collectors.

X. And be it enacted, That the commissioners for putting this act in execution, shall cause true duplicates of the said assessments to be made out, within three months at farthest after the twenty fifth day of *March* yearly (the appeals being first heard and determined) and delivered unto the respective receivers general, and also transmitted into the offices of the King's remembrancer, in the exchequer in *England* and *Scotland* respectively; for which duplicates the proper officers shall give acquittances *gratis*, so as every of them may be duly charged to answer their respective collections and receipts; and that the said duplicates shall be made for the same hundreds, wards, parishes, or places, for which distinct duplicates are and have been usually made out for the land tax; and that in every such duplicate, the said commissioners shall cause to be inserted the names and surnames of the several assessors and collectors for every such hundred, ward, parish, or place as aforesaid; and that the respective receivers general shall pay the several sums of money, by them received by virtue of this act, into his Majesty's receipt of exchequer, by quarterly payments, upon the several days herein before appointed for payment thereof, or within forty days after; and in case any such receiver general or his deputy, shall pay any part of the monies, paid to him or them by any collector by virtue of this act, to any person or persons whatsoever, other than into the receipt of his Majesty's said exchequer, and at or within the respective times limited by this act (except the necessary charges of receiving, levying, managing, paying, and accounting

Commissioners to give in duplicates to the receiver general.

Duplicates to contain the assessors and collectors names.

Receivers general to pay the monies quarterly into the exchequer, &c.

accounting for the same, as is herein after directed) then such receiver general shall, for every such offence of himself, or his deputy, forfeit the sum of five hundred pounds to him or them that shall sue for the same in any court of record, by bill, plaint, or information, wherein no essoin, protection, or wager of law is to be allowed; and that if any surveyor of the said rates and duties, appointed or to be appointed as aforesaid, shall knowingly or wilfully, through favour or malice, under-rate or over-rate, or omit to charge any person or persons, liable to the payment of the rates and duties by this act granted, or shall be guilty of any corrupt or illegal practices in the execution of his office, such surveyor shall, for every such offence as aforesaid, forfeit the sum of one hundred pounds, and be dismissed from his said employment.

Penalty 500l.

Surveyors making wrong charges, &c.

to forfeit 100l. &c.

Allowance to the several officers for levying, &c. the taxes.

XI. And be it further enacted, That every receiver general shall have an allowance of two pence in the pound, for all monies which shall be by him paid into the receipt of the exchequer, and that every collector shall have three pence in the pound for what money he shall pay to the receiver general, his deputy or deputies; and that for the careful writing and transcribing the said assessments, warrants, estreats, and duplicates in due time, the clerks of the commissioners who shall respectively perform the same, shall, by warrant under three or more of the commissioners hands, have and receive from the respective receivers general, their deputy or deputies, three halfpence in the pound of all such monies as he shall have received by virtue of such warrants or certificates, who is hereby appointed and allowed to pay the same accordingly; provided the said warrants or estreats be made out, and the duplicates delivered to the said receiver general, and into the respective offices of the King's remembrancer, as aforesaid, within the times limited by this act, and not otherwise; and if any person or persons shall refuse to pay the several sum and sums appointed by this act for such person to pay, upon demand made by the officer or collector of the place, according to the precept or estreats to him delivered by the commissioners appointed by this act, it shall and may be lawful to and for such officer and collector, who are hereby thereunto authorized and required, for non-payment thereof, to distrain the person or persons so refusing, by his or their goods or chattels, and the distress so taken to keep by the space of four days at the costs and charges of the owners thereof; and if the said owners do not pay the respective sums of money due by this act within the said four days, then the said distress to be appraised by two or more of the inhabitants where the said distress is taken, and there to be sold by the said officer, for payment of the said money, and the overplus coming by the said sale (if any be) over and above the charges of taking and keeping the said distress, to be immediately restored to the owner thereof; and moreover, it shall and may be lawful to break open (in the day-time) any house, upon warrant, under the hands and seals of three or more of the said commissioners, calling to their assistance the constable, tythingman,

The rate to be levied by distress, &c.

Houses may be broke open by warrant;

tythingman, or headborough, within the counties, shires, stewartries, cities, towns, and places where any refusal, neglect, or resistance shall be made; which said officers are hereby required to be aiding and assisting in the premisses, as they will answer the contrary at their peril; and if any person or persons appointed to pay any of the duties charged by this act, shall refuse or neglect to pay the said sum or sums so appointed to be paid, by the space of twenty days after demand, as aforesaid, where no sufficient distress can or may be found, whereby the same may be levied, in every such case, three or more of the commissioners by this act appointed, for any such city, county, or place, are hereby authorized by warrant under their hands and seals, to commit such person or persons to the common gaol, there to be kept without bail or mainprize, until payment shall be made.

and for want of distress, the person to be committed.

XII. And be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, shall, and they are hereby required to give the collectors of the said rates and duties hereby granted, notice at what time or times, place or places, the appeals of any person or persons, who shall think themselves aggrieved, by being over-rated by the said assessors, may be heard and determined; which day or days of appeal, so to be appointed by the said commissioners, shall be within thirty days from the respective quarterly days by this act appointed for payment of the said rates and duties; and every such collector is hereby also required, within ten days after such notice from the said commissioners, to cause publick notice to be given in every parish church or chapel of ease belonging to any such parish within his district or division, immediately after divine service, on the Lord's day (if any such divine service shall be performed there within that time) of the time and place so appointed by the said commissioners for hearing and determining appeals, as aforesaid; and shall also cause the like notices to be fixed in writing upon the door of each of the said respective parish churches, or chapels of ease belonging to any such parishes, on the same day, that all persons who shall think themselves over-rated may know when and where to make their appeal to the said commissioners; and the said commissioners, or any three or more of them, shall examine the parties complaining, upon his or her oath, concerning the number of windows or lights in the dwelling-house or houses for which he or they is or are respectively charged; and upon due examination or knowledge thereof, shall abate, defalk, encrease, or enlarge the said assessment; and the same so encreased or enlarged, on non-payment thereof, shall be estreated by them into the exchequer in manner aforesaid; and every person so intending to appeal to the said commissioners shall and is hereby required to give notice thereof in writing to one or more of the assessors of the parish wherein he is rated, of such his intention to appeal, that such assessor or assessors may then and there attend to justify the said assessment.

Notice to be given to the collectors of the time and place of appeals.

Collectors to give notice in the church.

Notices to be fixed on the doors of churches.

Commissioners to examine upon oath, &c.

Appellant to give assessors notice.

XIII. And

Appeals once heard, to be final.

XIII. And it is hereby declared, That all appeals once heard and determined by the said commissioners, or any three or more of them, or the major part of them then present, on the day or days by them appointed for hearing appeals as aforesaid, shall be final, without any further appeal upon any pretence whatsoever.

No persons to be exempted.

XIV. And be it further enacted by the authority aforesaid, That no letters patents granted by the King's majesty, or any of his royal progenitors; or to be granted by his Majesty to any person or persons, cities, boroughs, or towns corporate within this realm, of any manner of liberties, privileges, or exemptions from subsidies, tolls, taxes, assessments, or aids, shall be construed or taken to exempt any person or persons, city, borough, or town corporate, or any the inhabitants of the same, from the burden and charge of any sum or sums of money granted by this act, and all *Non-obstantes*, in such letters patents, made or to be made in bar of any act or acts of parliament for the supply or assistance of his Majesty, are hereby declared to be void and of none effect; any such letters patents, grants or charters, or any clause of *Non-obstante*, or other matter or thing therein contained, or any law or statute to the contrary notwithstanding.

Parents, &c. of minors made liable, &c.

XV. And be it further enacted by the authority aforesaid, That where any person or persons, chargeable with any rates or assessments by this act imposed, shall be under the age of one and twenty years, in every such case the parents, guardians, and tutors of such infants respectively, upon default of payment by such infants, shall be, and are hereby made liable to, and charged with the payments which such infant ought to have made; and if such parents, guardians, or tutors shall neglect or refuse to pay as aforesaid, it shall and may be lawful to proceed against them, in like manner as against any other person or persons making default of payment, as herein before is mentioned; and all parents, guardians, and tutors making payment as aforesaid, shall be allowed all and every the sums paid for such infants upon his or their accounts.

Collectors, on non-payment of monies,

the commissioners to commit the person, and seize his estate.

XVI. And be it further enacted and declared, That if any collector that shall, by virtue of this act, be appointed for the receipt of any sums of money thereby to be assessed, shall neglect or refuse to pay any sum or sums of money which shall be by him received as aforesaid, and to pay the same as in and by this act is directed, and shall detain in his or their hands any money received by them, or any of them, and not pay the same at such time as by this act is directed, the commissioners of each county, shire, stewartry, riding, city, or town respectively, or any three or more of them, in their respective divisions are hereby authorized and impowered to imprison the person, and seize and secure the estate, as well freehold as copyhold, and all other estate, both real and personal of such collector to him belonging, or which shall descend or come into the hands or possession of his heirs, executors, or administrators, wheresoever the same can be discovered and found; and the said commissioners who shall

shall so seize and secure the estate of any collector or collectors, shall be, and are hereby impowered to appoint a time for a general meeting of the commissioners for such county, shire, stewartry, riding, city, town or place, and there to cause publick notice to be given of the place where such meeting shall be appointed, ten days at least before such general meeting; and the commissioners present at such general meeting, or the major part of them, in case the monies detained by any such collector or collectors be not paid or satisfied as it ought to be, according to the directions of this act, shall be, and are hereby impowered and required to sell and dispose of all such estates which shall be for the cause aforesaid seized and secured, or any part of them, to satisfy and pay into the hands of the receiver general the sum that shall be so detained in the hand of such collector or collectors, their heirs, executors, or administrators respectively.

Commissioners to appoint a time of general meeting, &c.

and to make sale of the estates.

XVII. And be it further enacted, That in all privileged and other places being extraparochial, and not within the constablewicks or precincts of the respective assessors to be appointed by virtue of this act, the said commissioners, or any three or more of them, shall, and they are hereby required to nominate and appoint two fit persons, living in or near the said privileged or other places as aforesaid, to be assessors for the said places, and to make and return their said assessments, in like manner as by this act is appointed in any parish, tything, or place; and also to appoint two or more collector or collectors, who are hereby required to collect and pay the same, according to the rates appointed by this act, for collecting and paying all sums of money payable by this act.

In privileged places the commissioners to appoint assessors,

and collectors.

XVIII. Provided also, That no person inhabiting in any city, borough, or town corporate, shall be compelled to be an assessor or collector of or for any part of the rates and assessments hereby granted in any place or places out of the limits of the said city, borough, or town corporate.

None obliged to collect, &c. out of the limits.

XIX. And be it further enacted by the authority aforesaid, That the commissioners that shall be within any county, shire, stewartry, city, or place within the respective limits, or the major part of them, shall rate and assess every other commissioner joined with them for or in respect of the rates and duties hereby granted, so as the residence and usual dwelling-place of such commissioner so to be assessed, be within the division of such commissioners by whom he is assessed; and the commissioners within their division shall also assess every assessor, for all and singular the premisses for which by this act he ought to be rated and assessed; and as well all sums assessed upon every the said commissioners and assessors, as assessments made and set by the assessors aforesaid, shall be levied and gathered as the same should and ought to have been, if such persons had not been named commissioners.

Commissioners to assess commissioners and assessors.

XX. Provided also, and be it further enacted, That no stay of prosecution, upon any command, warrant, motion, or order or direction by *Non vult ulterius prosequi*, shall be had, made, admitted,

No stay of prosecution.

mitted, received, or allowed by any court whatsoever, in any suit or proceeding, by action of debt, bill, plaint, or information, or otherwise, for the recovery of all or any the pains, penalties, or forfeitures upon any person or persons by this act inflicted, or therein mentioned, for or in order to the conviction or disability of any person offending against this act.

Commissioners to fine persons refusing to do their duty.

XXI. And be it further enacted, That if any assessor, collector, or other person appointed by the said commissioners, shall wilfully neglect or refuse to perform his duty in the due and speedy execution of this act, the said respective commissioners, or any three or more of them, may and shall, by virtue of this act, impose on such person or persons so refusing or neglecting their duties, any fine not exceeding the sum of twenty pounds, nor less than five pounds, for any one offence; the same to be levied and certified as aforesaid, and given in charge to the respective receivers general amongst the rates aforesaid; and the said commissioners, or any three or more of them, may and shall, from time to time call for, and require an account from the respective receivers general, of all the monies received by them of the said collectors, and of the payment thereof into his Majesty's exchequer, according to the directions of this act; and in case of a failure in the premisses, the said commissioners, or any three or more of them, are hereby required to cause the same to be forthwith levied and paid according to the true intent and meaning of this act; and in case of any controversy arising between the said commissioners concerning the said rates or assessments, the commissioners that shall be concerned therein shall have no voice, but shall withdraw during the debate of such controversy until it be determined by the rest of the commissioners; and all questions and differences that shall arise, touching any of the said rates and duties, shall be heard and finally determined by three or more of the commissioners, upon complaint thereof to them made by any person or persons thereby grieved, without further trouble or suit in law; and the said receiver general, his deputy or deputies, shall give acquittances *gratis* to the said collectors, for all monies by them received in pursuance of this act; which acquittances shall be a full discharge of the said collectors respectively; and the said collectors shall make and deliver to the said receivers general, their deputy or deputies, a perfect schedule fairly written in parchment, under their hands and seals, signed and allowed by any three or more of the said respective commissioners, containing the names, firnames, and places of abode of every person within their respective collections, that shall make default of payment of any of the sums that shall be rated or assessed on such person, for such rate or duty by virtue of this act, and the sum and sums charged on every such person; the same to be by him returned into his Majesty's said courts of exchequer in *England*, and *Scotland* respectively, whereupon every person so making default of payment, may be charged by process of court, according to the course thereof in that behalf; and all and every the proper officers respectively

Commissioners to call for the receivers general accounts;

and in case of failure to levy.

Commissioners concerned to have no voice in controversies, &c.

Complaints to be determined by the commissioners.

Collectors to give in a schedule of arrears, &c.

to be returned into the exchequer, &c.

respectively herein concerned, shall, and they are hereby required to take care, from time to time, that such process be duly issued and made effectual, so that all such sums as shall be in arrear and unpaid as aforesaid, may be speedily recovered and paid into his Majesty's exchequer.

XXII. Provided always, and be it enacted, That all constables and headboroughs, tythingmen and other his Majesty's officers, shall, and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed in that behalf, by the respective commissioners hereby appointed, or any three or more of them.

Constables, &c. to assist.

XXIII. And be it further enacted by the authority aforesaid, That all monies due and payable by this act, shall be paid by the particular collectors of the respective counties, shires, stewartries, cities, boroughs, towns, parishes, and places who shall collect the same, unto such receiver general, to be appointed as aforesaid to receive the same, or the deputy or deputies of such receiver general, to be appointed under his hand and seal, whereof notice shall be given by the receiver general unto the commissioners, or any three or more of them, within their respective divisions, within twenty days after their first general meeting, and so, from time to time, within twenty days after every death or removal of any deputy, if any such shall happen; and the receipt of such receiver general, his deputy or deputies, or any of them, shall be a sufficient discharge unto every such collector.

Collector to pay to the receiver general, &c.

XXIV. And be it further enacted, That the particular collectors, for payment of any sums by them received, unto such receiver general, or his deputy, shall not be obliged to travel above ten miles from the place of their habitations.

Collectors not to go above 10 miles to make payment.

XXV. And for the better preventing such unjust vexations, as might be occasioned by such persons as shall be appointed receivers general of any of the sums of money granted by this act, and to the intent the receivers general may return a true account into his Majesty's said courts of exchequer in *England* and *Scotland* respectively, of such sums of money as shall be received by them and every of them, their and every of their deputy and deputies; be it further enacted by the authority aforesaid, That if any such receiver general shall return or certify unto the said courts, any sum or sums of money to be in arrear or unpaid, after the same have been received either by such receiver general, or his deputy or deputies, or any of them, or shall cause any person or persons to be set *insuper* in the said courts, for any sum or sums of money that hath been so received, that then every such receiver general shall forfeit to every person and persons that shall be molested, vexed, or damaged, by reason of such unjust certificate, return, or setting *insuper*, double the damages that shall be thereby occasioned; the said damages to be recovered by action of debt, bill, plaint, or information; in which no essoin, protection, or wager of law shall be allowed, nor any more

Receivers general setting persons *insuper*, &c.

to forfeit double damages;

and to the King double the sum.

more than one imparlance; and shall also forfeit to his Majesty, his heirs and successors, double the sum that shall be so unjustly certified or returned, or caused to be set *insuper*.

Receivers chargeable with the arrears of their accounts, &c.

XXVI. And it is hereby provided, declared, and enacted by the authority aforesaid, That no receiver of any the rates and duties granted by this act, or any heirs, executors, or administrators of such receiver, shall, in any accounts of the monies wherewith such receiver shall be chargeable (unless such account be declared and passed in the exchequer, within two years at the farthest after the end of the year for which such rates and duties shall be payable) be allowed or admitted to set *insuper*, or charge any county, division, or place, for any monies granted by this act, which shall be in arrear and unpaid, but that the same shall remain a debt upon every such receiver, to be answered by him and his securities, his and their heirs, executors, and administrators, lands, tenements, goods, and chattels respectively; any thing herein contained to the contrary notwithstanding.

Commissioners exempted from the penalties of 25 Car. 2. c. 2.

XXVII. And be it further enacted by the authority aforesaid, That no commissioner or commissioners, who shall be employed in the execution of this act, shall be liable for or by reason of such execution, to any of the penalties mentioned in an act made the five and twentieth year of King *Charles* the Second, for preventing of dangers which may happen from popish recusants.

Penalties how to be levied.

XXVIII. Provided always, and be it enacted, That all penalties and forfeitures, to be incurred for any offences against this act, for which there is no particular way of levying herein before prescribed or appointed, shall be levied by warrant under the hands and seals of three or more of the respective commissioners of the division or place where any such offence was or shall be committed, by distress and sale of the goods of the offender, rendering the overplus to the owner thereof after a deduction of reasonable charges for distraining the same.

Houses exempted.

XXIX. Provided always, and be it further enacted and declared, That such dwelling-houses only where the occupier or occupiers thereof, by reason of his, her, or their poverty only is or are exempted from the usual taxes, payments, and contributions towards the church and poor, shall be construed or understood to be excepted out of this act, or discharged of the rates and duties hereby granted, and that only in such cases where the dwelling-houses so occupied are cottages, not containing above nine windows or lights in the whole; any thing herein contained to the contrary notwithstanding.

Surveyors and inspectors to be appointed.

XXX. And for the better ascertaining and collecting the said several rates and duties upon houses, be it enacted, That it shall and may be lawful to and for his Majesty, his heirs and successors, or the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, from time to time, to constitute and appoint such person or persons

sons as his Majesty, his heirs and successors, or the said commissioners of the treasury, or high treasurer for the time being, shall think meet, to be the officer or officers for the survey and inspection of the rates and duties by this act granted, within the said kingdom of *Great Britain*, and for viewing and numbering the several windows or lights in each house, and for the inspecting and examining the assessments or certificates thereof, made and to be made from time to time in pursuance of this act, and doing all things belonging to the same; which officers, or any of them, shall have full power to examine and supervise the assessments of the houses, windows, or lights rated in every parish and place, as aforesaid; and at seasonable times, with a constable, headborough, tythingman, or other officer of the respective parishes or places within *Great Britain*, who are hereby required to assist such officers accordingly, to view and examine whether there be any more windows than are certified and rated in such assessment, and shall have liberty to pass through any house or houses, in order to go into any court, yard, or backside thereunto belonging, and externally to view and inspect the windows or lights in any such house or houses, that cannot be conveniently seen or numbered, without passing through such house or houses; and shall also have liberty to make like view, examination, and inspection twice in the year during the continuance of this act; and if upon or after such view or examination and inspection of the assessments, as aforesaid, such officer or officers shall find that any person or premisses are under-rated, or not rated and charged, as by this act is directed and appointed, such officer or officers shall certify the same to the said commissioners, or any three or more of them, within the division, hundred, parish, or place wherein such neglect or failure shall happen to be, which said commissioners, or any three or more of them, shall and are hereby required to cause such rate or rates to be set upon every such person and premisses as shall be according to the true intent and meaning of this present act.

A house inhabited by a families how taxable.

XXXI. And be it also enacted and declared, That where any house shall be inhabited by two or more person or persons, or family or families, such house shall nevertheless be subject to, and shall in like manner pay the rates and duties charged on houses, windows, or lights, by this act, as if such house was inhabited by one person or family only.

Appartments in colleges,

XXXII. Provided always, That each distinct chamber or apartment, in any college or hall in any of the universities of *Great Britain*, shall be subject to the same rates or duties as if it were an entire house paying to church and poor.

Inns of court, &c.

XXXIII. And be it enacted and declared by the authority aforesaid, That every edifice in any of the inns of court or *Chancery*, being severally in the tenure or occupation of any person or persons, shall be subject to the same rates and duties for the number of windows therein, as if it were an intire house; and every house, whereof the keeping only is committed or left to the care or charge of any person or servant, who doth not

and houses left to the care of servants.

pay to the church and poor, shall be subject to the like rates and duties, for the windows or lights therein, as if it were inhabited by the occupier, or by a tenant, and to be paid by the respective occupiers or tenants of the same.

Arrears of collectors to be re-assessed.

XXXIV. And be it further enacted by the authority aforesaid, That in case there shall be any arrear of the said rates or duties on houses, windows, or lights, by reason of the failure of any such collector or collectors, as aforesaid, for which any parish or place shall be answerable, it shall and may be lawful to and for any three or more of the commissioners for the said rates and duties, to cause such arrear to be re-assessed within the said parish or place respectively, on all such houses, windows, or lights, as are liable to the payment of the said rates and duties, and to cause the same to be raised, and (for default of payment) to be levied by such ways and means, as the rates and duties on houses, windows, or lights, are by this act directed to be raised and levied in such parishes or places respectively, and to cause the money so raised or levied to be paid to the receiver general of the said rates and duties, or into the exchequer, for the respective uses and purposes whereunto such arrears (if they had been duly paid by the said collectors) are hereby appropriated.

In what cases landlords are liable.

XXXV. And be it enacted and declared by the authority aforesaid, That where any dwelling-house is or shall be lett in different apartments, to several persons, and the landlord of such house pays other taxes and parish rates for the same, such landlord shall be deemed and taken to be the occupier of such dwelling-house, and be charged with, and liable to pay the said rates and duties for the same, as one entire house.

Collectors gathering by a false book, &c.

XXXVI. And be it enacted by the authority aforesaid, That no collector or collectors of the said rates and duties by this act granted, shall collect or gather the same by any rate or book, other than such rate and book as shall be signed and allowed by the said commissioners as aforesaid; and that in case any such collector or collectors shall collect the same by any other rate or book, or shall receive such rates and duties from any person or persons not charged therewith, or shall collect from any person or persons more money than is actually charged in such rate or book, and not pay the whole money by him collected, or fraudulently alter any such rate or book, after the same hath been signed and allowed by the said commissioners as aforesaid; every such collector or collectors shall, for every such offence, forfeit the sum of twenty pounds, to be levied as by this act is directed.

forfeit 20 l.

Surveyors to examine, &c. the rates before signed by commissioners.

XXXVII. And be it further enacted by the authority aforesaid, That the surveyors appointed or to be appointed as aforesaid, for the said rates and duties, shall be, and they are hereby impowered to inspect and examine the rates and assessments for any parish or place, before the commissioners shall have signed and allowed the same, and to alter, and amend such rates and assessments, if he or they shall see just cause for so doing; and if any such surveyor or surveyors shall, after the said rates or as-

sessments are signed and allowed as aforesaid, find, or discover upon his or their survey, that any dwelling-houses, windows, or lights, which should and ought to be charged with the said rates and duties, have been omitted to be charged therewith, or are under-rated, such surveyor or surveyors shall certify the same in writing under his hand, by way of surcharge, to any three or more of the said commissioners, in order to have such omission or under-rate certified in the said assessment; and such commissioners are thereupon to cause the same to be rectified, and the said rates and duties levied accordingly.

Omissions afterwards to be certified by way of surcharge.

XXXVIII. And to obviate any doubts which may arise about the charging of windows or lights, within the meaning of this act, when two or more windows or lights are fixed in one frame; it is further enacted, That when a partition or division between such windows or lights is or shall be of the breadth or space of twelve inches, the window or light on each side of such partition or division, shall be deemed as a distinct window or light, and be rated accordingly; and that all windows in frames which are or shall be extended so far as to give light into more rooms than one, such windows shall be reckoned and charged as so many separate windows, as there are rooms enlightened thereby.

Windows in frames how to be charged.

XXXIX. *And whereas it hath been found by experience, that the duties upon houses granted by former acts of parliament, have been greatly lessened by means of persons frequently stopping up windows or lights in their dwelling-houses, in order to evade the payment of the said duties, and opening the same again*; it is hereby further enacted, That if any occupier of any dwelling-house shall open any windows or lights which have been stopped up as aforesaid, after the assessments are settled, and the warrants for collecting the said rates and duties are signed by the said commissioners, without first giving, or causing to be given notice thereof in writing to the surveyor of the said rates and duties, every such occupier or occupiers of such dwelling-house or houses, shall forfeit the sum of twenty shillings for each respective window or light opened as aforesaid; to be levied as by this act is directed.

Windows opened without notice given.

Penalty.

XL. *And whereas it hath often happened, that several assessments, and duplicates of the duties on houses, granted by the said before recited acts of parliament, have not been made out in due time, to the prejudice of the said revenue, for want of a sufficient number of acting commissioners in the parishes or places where such assessments or duplicates ought to have been made*; it is hereby further enacted, That in all such cases, it shall and may be lawful to and for the said commissioners, appointed for putting this act in execution, living in any neighbouring parish or place within the same county, and they are hereby impowered, to make out and sign such assessments or duplicates, which are or shall be wanting for any such parishes or places as aforesaid.

Commissioners in the neighbourhood to sign assessments, &c.

XLI. *And whereas it may frequently happen, that persons quitting their dwelling-houses, may remove to other parishes or places without first discharging or paying the rates and duties charged upon*

*him, her, or them for the house or houses they so quitted, whereby the said rates and duties by this act granted will be lost, unless such person or persons so removing can after such removal be compelled to pay the same*; it is hereby enacted and declared, That the commissioners acting by virtue of this act, within such parish or place where such rates and duties are charged upon, and unpaid by the person or persons removing as aforesaid, shall sign and cause to be transmitted a certificate thereof to the commissioners acting within the parish or place where the person or persons making such default of payment shall happen to reside; which commissioners, or any three or more of them, shall and are hereby impowered to raise and levy the said rates and duties charged upon the party or parties removed as aforesaid, and cause the monies so raised and levied, to be paid to the collectors of the parish or place from whence the said person or persons did or shall remove, so as the same may be paid and applied according to the true intent and meaning of this act.

Tax how recoverable where the occupier removes.

XLII. And be it further enacted by the authority aforesaid, That the said surveyors, and all other officers and persons who shall be employed in the execution of this act, shall observe and follow such orders, instructions, and directions, as they shall, from time to time, receive from the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, for the better execution of the powers and authorities by this act granted.

Officers to take instructions from the treasury.

XLIII. Provided also, and it is hereby enacted by the authority aforesaid, That out of the monies, from time to time, arisen or to arise, of or for the said rates and duties on houses, windows, or lights, it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, to settle and appoint such salaries and allowances for the service, pains, and labour of the surveyors and other officers to be employed in the execution of this act, and otherwise in relation thereto; and also to discharge such incident charges and expences as shall necessarily attend the execution of this act, as the said commissioners of the treasury, or any three or more them, or the high treasurer for the time being, shall think fit and reasonable in that behalf.

Treasury to appoint salaries.

XLIV. And be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the receipt of exchequer at *Westminster*, a book or books, in which all the monies, hereby appointed to be paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said monies, so appointed to be paid into the said receipt of exchequer as aforesaid, shall be the yearly fund for the several purposes herein after mentioned.

Book of entry to be kept.

XLV. And

XLV. And be it further enacted by the authority aforesaid, That all and every the annuities, which by this act shall be granted and made payable, in respect of the principal sum of four millions, to be raised in such manner and form as is herein after directed, as also of the additional capital of ten pounds, herein after directed to be added to every one hundred pounds, advanced towards raising the said sum of four millions, until redemption thereof by parliament, shall be charged, and chargeable upon, and payable out of the several rates and duties by this act granted to his Majesty; and the said several rates and duties shall be and are hereby appropriated for that purpose accordingly.

Appropriation of this fund.

XLVI. *And whereas several persons, natives or foreigners, bodies politick or corporate, have subscribed and agreed to advance the said sum of four millions for the publick service, for the purchase of annuities after the rate of four pounds* per centum per annum; *and the said subscribers or contributors have, in pursuance of a resolution of the commons of* Great Britain *in parliament assembled, deposited with the first or chief cashier or cashiers of the governor and company of the bank of* England *for the time being, the sum of ten pounds* per centum *in part of the principal sums by them respectively subscribed as aforesaid, and are desirous to pay the remaining principal sums by them subscribed, towards raising the said sum of four millions, at such times, and in such manner as shall be appointed in that behalf*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all and every such contributor or contributors, who have already deposited with the said cashier or cashiers of the said governor and company of the bank of *England*, the said sum of ten pounds *per centum* as aforesaid, to advance and pay unto the said cashier or cashiers, at or before the respective days or times, and in the proportions herein after by this act limited in that behalf, the remaining principal sums by them subscribed towards the said sum of four millions, for the purchase of any certain annuity or annuities, to commence from the feast of Saint *Michael* the archangel, which shall be in the year of our Lord one thousand seven hundred and forty seven, and to be paid and payable to such contributor or contributors, or such as he, she, or they shall nominate his, her, or their executors, administrators, successors, or assigns respectively, in manner herein after mentioned; which annuities before mentioned shall be computed at the rate of four pounds *per annum* for every one hundred pounds, and proportionably for any greater or less sum so to be advanced and paid; and the remaining purchase money for every such annuity, at the rate aforesaid, is hereby appointed to be paid unto the said cashier or cashiers aforesaid, at or before the respective days or times herein after limited; that is to say, one tenth part thereof on or before the seventeenth day of *February*, one thousand seven hundred and forty six; one fifth part thereof on or before the seventeenth day of *March* then next ensuing; one other fifth part thereof on or before the nineteenth day of *May* then next ensuing; one other

Subscribers allowed 4 l. per cent. interest.

Annuities when to commence.

Times, &c. for paying the purchase-money.

fifth part thereof on or before the fourteenth day of *July* then next ensuing; and the remaining fifth part thereof on or before the twenty second day of *September* then next following: all which annuities, so to be purchased, shall be paid and payable at two of the most usual feasts or days of payment in the year; that is to say, the feasts of the annunciation of the blessed Virgin *Mary*, and of Saint *Michael* the Archangel, by even and equal portions, or within six days after every of the said feast days; the first payment thereof to be due and payable at the feast day of the annunciation of the blessed Virgin *Mary*, which shall be in the year of our Lord one thousand seven hundred and forty eight, or within six days after the said feast day: nevertheless, the said annuities shall be redeemable according to the purport and true meaning of a proviso or condition herein after mentioned in that behalf, and not otherwise; and the said cashier or cashiers of the said governor and company of the bank of *England* for the time being, is and are hereby authorized and required forthwith to give receipts in writing, signed by himself or themselves, to such contributor or contributors, for all sums of money by them deposited with, or paid unto such cashier or cashiers before the passing of this act; as also for such other sum or sums of money as shall hereafter be advanced and paid to him or them by any such contributors or payers thereof as aforesaid (which receipts shall be assignable by endorsement thereupon made at any time before the twenty second day of *September*, one thousand seven hundred and forty seven, and no longer;) provided the said cashier or cashiers do first give security to the good liking of any three or more of the commissioners of the treasury now being, or of the high treasurer, or commissioners of the treasury for the time being, for duly answering and paying into the receipt of his Majesty's exchequer, all the monies which he or they have already received, or shall hereafter receive, from time to time, of or for the said sum, not exceeding four millions, as fast as he or they shall receive the same, or any part thereof, and to account for all the monies so to be advanced and paid to him or them, in his Majesty's court of exchequer, according to the due course thereof.

Annuities redeemable.

Cashier of the bank to give receipts.

Receipts to be assignable.

Cashier to give security.

Book to be kept for entering contributors names, &c.

XLVII. And it is hereby enacted, That in the office of the accomptant general of the governor and company of the bank of *England* for the time being, there shall be provided and kept a book or books, in which there shall be fairly entered the names of all who shall be contributors for such annuities, after the rate of four pounds *per centum per annum* as aforesaid, and of all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the sums so paid; and the said accomptant general is hereby also authorized and required, upon the full payment of the sum of four millions to the said cashier or cashiers by such contributors as aforesaid, forthwith to place to the credit of every such contributor, in the same book or books as are herein before directed to be provided by the said accomptant general, for entering the names of all such con-

Contributors to be credited with an additional capital of 10 l. for every 100 l.

contributors, and the sums by them paid for the purchase of the said annuities, an additional capital of ten pounds, to be added to every sum of one hundred pounds, by them respectively advanced for the purposes aforesaid, and so in proportion for a greater or lesser sum; which said additional capital shall be attended with annuities after the rate of four pounds *per centum per annum*, and shall be charged upon, and paid out of the said rates, and duties by this act granted, at the same feast days, and in the same manner, as the annuities herein before made payable, in respect of the said principal sum of four millions, are to be paid and payable, and subject also to the same proviso of redemption by parliament herein after contained in that behalf; and it shall and may be lawful for the said respective contributors, their executors, administrators, successors, and assigns, from time to time, and at all seasonable times, to have resort to, and inspect the said book or books without any fee or charge; and the said accomptant general for the time being shall, on or before the twenty fourth day of *June*, one thousand seven hundred and forty nine, transmit an attested duplicate, fairly written on paper, of the said book or books, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

to carry 4 l. per cent. interest.

Contributors to inspect the books gratis.

Duplicate of the book to be in the exchequer.

XLVIII. And it is hereby enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the whole consideration or purchase-money, at the rate aforesaid, at or before the respective days and times in this act limited in that behalf, for such annuity or annuities as aforesaid, or such as he, she, or they shall appoint, his, her, or their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be intitled by virtue of this act, to have, receive, and enjoy, the respective annuity and annuities so to be purchased, together with the annuity or annuities made payable by this act, in respect of the said additional capital as aforesaid, out of the monies by this act appropriated or appointed for payment thereof as aforesaid, and shall have good and sure estates and interests therein for ever, subject only to the proviso or condition of redemption in this act afterwards contained concerning the same; and that all the several and respective annuities, payable in pursuance of this act, after the rate of four pounds *per centum per annum*, on all and every the principal sums for which the same are payable, shall be free from all taxes, charges, and impositions whatsoever.

Annuities ensured to the contributors, free from taxes.

XLIX. And it is hereby provided and enacted by the authority aforesaid, That all and every person or persons who shall become interested in, or intitled to any annuity or annuities, part of the said sum of four millions subscribed for in pursuance of this act, who shall, before the passing of this act, have advanced or paid, or shall hereafter advance and pay to the said cashier or cashiers, the whole or any part of the remaining purchase-money, payable in respect thereof, before any of the respective days or times herein limited or appointed for payment

Monies paid before the times limited,

thereof, such person or persons shall be allowed interest after the rate of five pounds *per centum per annum*, for all and every such sum and sums of money as shall be so advanced and paid to such cashier or cashiers, by any such contributors as aforesaid, from the respective time or times of their actual payment thereof, to *Michaelmas*, one thousand seven hundred and forty seven; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and required to cause the said interest to be paid upon such respective sums as shall be so advanced accordingly, out of the monies to be contributed in pursuance of this act; and in case any such person or persons shall compleat the payment of the whole purchase-money, payable for any such annuities, he, she, or they shall have such respective sums as they shall become interested in, or intitled unto, forthwith placed to the credit of the said contributors, and made transferrable in the books of the bank of *England*, by this act appointed to be kept for that purpose.

to carry 5 l. per cent. interest.

On payment of the whole purchase money,

the annuities to be transferrable.

L. Provided, That in case any such contributors as aforesaid, who have already deposited with the said cashier or cashiers, one tenth part of his, her, or their purchase-money, or his, her, or their executors, administrators, successors, or assigns, do not advance and pay to the said cashier or cashiers, one other tenth part of his, her, or their consideration-money, so to be paid for such respective annuity or annuities as aforesaid, on or before the seventeenth day of *February*, one thousand seven hundred and forty six; and one fifth part thereof, on or before the seventeenth day of *March*, then next ensuing; and one other fifth part thereof on or before the nineteenth day of *May*, then next ensuing; and one other fifth part thereof, on or before the fourteenth day of *July*, then next ensuing; and the remaining fifth part thereof on or before the twenty second day of *September*, then next following; then and in every such case respectively, so much of the consideration-money as shall have been actually paid in part thereof only to the said cashier or cashiers for such respective annuity, shall be forfeited for the benefit of the publick; any thing in this act contained to the contrary notwithstanding.

Contributors not paying within the times limited,

to forfeit the sum advanced.

LI. And for the more easy and sure payment of the several annuities by this act authorized to be purchased as aforesaid, amounting in the whole to the sum of four millions, as also of the several annuities payable in respect of the said additional capital, it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall from time to time, until the said several and respective annuities, after the rate of four pounds *per centum per annum*, shall be redeemed according to this act, appoint and employ one or more sufficient person or persons, within their office in the city of *London*, to be their chief cashier or cashiers, and one other sufficient person, within the same office, to be their accomptant general; and that so much of the monies, from time

Chief cashier and accomptant general to be appointed.

to

to time arising into the said receipt of the exchequer, for the said rates and duties by this act appropriated for this purpose as shall be sufficient, from time to time, to answer the said several and respective annuities, and other payments directed to be paid or discharged out of the same, shall, by order of the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury of his Majesty, his heirs, or successors for the time being, without any further or other warrant to be sued for, had, or obtained in that behalf, from time to time, at the respective half-yearly feast days of payment, in this act before appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said first or chief cashier or cashiers of the said governor and company of the bank of *England*, and their successors for the time being, by way of imprest, and upon account, for the payment of the said several and respective annuities to be purchased upon this act, as of the annuities payable in respect of the said additional capital as aforesaid, at such time, and in such manner and form, as are by this act prescribed in that behalf; and that all and every such cashier or cashiers, to whom the said monies shall from time to time be issued, shall, from time to time, without delay, apply and pay the same accordingly, and render his account thereof according to the due course of the exchequer; any thing herein contained to the contrary notwithstanding.

Monies for the annuities to be issued from the exchequer, &c.

Cashiers to make payments.

LII. And it is hereby also enacted, That the said accomptant general for the time being, shall from time to time inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay; and that all and every person and persons whatsoever, who shall be intitled to any of the said several and respective annuities, after the rate of four pounds *per centum per annum*, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, and the same shall not be descendable to the heir, and shall not be liable to any foreign attachment by the custom of *London*, or otherwise; any law, statute, or custom to the contrary notwithstanding.

Accomptant-general to inspect the cashiers receipts.

Annuities to be a personal estate, &c.

LIII. And be it further enacted by the authority aforesaid, That all the monies to be advanced or contributed, or to which any person or persons shall become intitled to upon this act, for or towards the said sum, not exceeding four millions, together with the additional capital of ten pounds, herein before directed to be added to every one hundred pounds advanced by such contributors, shall be deemed, reputed, and taken to be one capital or joint-stock, on which the said several and respective annuities, after the rate of four pounds *per centum per annum*, shall be attending; and that all and every person and persons and corporations whatsoever, in proportion to the money by him, her, or them advanced, or to which they shall become intitled, as aforesaid, upon this act, shall have, and be deemed to have, a proportional interest and share in the said stock, and in the annuity attending

The monies contributed to be a joint stock, &c.

attending the same, at the rate aforesaid; and that the said whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the same, shall be assignable and transferrable as this act directs, and not otherwise; and that there shall constantly be kept, at all seasonable times, in the office of the said accomptant general for the time being, within the city of *London*, a book or books, wherein all assignments or transfers of the said whole capital or joint stock, or any part thereof, and the proportional annuity attending the same, at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers, or if such parties be absent, by his, her, or their attorney or attornies thereunto lawfully authorized, in writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons to whom such transfer shall be made do under-write his, her, or their acceptance thereof; and that no other method of assigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good or available in law.

transferrable.

Book to be kept for transfers.

Entries to be signed by the parties transferring and accepting.

LIV. Provided always, That any person or persons possessed of such stock, with the annuity or annuities attending the same, or any estate or interest therein, may devise the same by will in writing, attested by two or more credible witnesses; but that such devisee shall receive no payment thereupon, till so much of the said will, as relates to the said stock or annuity, be entered in the said office; and in default of such transfer or devise, the said stock, and annuities attending the same, shall go to the executors or administrators; and that no stamp duties whatsoever shall be charged on the said transfers or any of them; any other law or statute to the contrary notwithstanding.

Annuities deviseable, &c.

In default of devise, &c. to executors.

LV. Provided always, and it is hereby enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors (notwithstanding the redemption of all or any their own funds, in pursuance of the acts for establishing the same, or any of them) shall continue a corporation, with all the powers, privileges, and advantages thereunto belonging, for the purposes in this act expressed, till all the annuities to be purchased on this act shall be redeemed by parliament, according to the proviso herein after contained in that behalf; and the said governor and company, or any members thereof, shall not incur any disability, for or by reason of their doing any matter or thing in pursuance of this act.

The bank to continue a company till redemption of the annuities.

LVI. And it is hereby enacted by the authority aforesaid, That no fee or gratuity whatsoever shall be demanded or taken of any of his Majesty's subjects for receiving or paying the said contribution-monies, or any of them, or for any tallies or other receipts concerning the same, or for issuing the monies for paying the said several annuities, or any of them; and that no fee or gratuity shall be demanded or taken for any transfer of any sum

No fee for payment of contribution-money.

Transfers to be gratis.

sum great or small, to be made in pursuance of this act; upon pain that any officer or person offending, by taking or demanding any fee or gratuity contrary to this act, shall forfeit the sum of twenty pounds to the party grieved; to be recovered with full costs of suit, in any of his Majesty's courts of record at *Westminster*. Penalty.

LVII. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized to settle and appoint such allowances (out of the contributions to the annuities granted by this act) as they shall think just and reasonable, for the service, pains, and labour of the cashier or cashiers of the governor and company of the bank of *England*, for receiving and accounting for the said contributions; and also such further allowances (out of the said several rates and duties by this act appropriated) as they shall think just and reasonable, for receiving, paying, and accounting for the several and respective annuities payable in respect thereof; and also for the service, pains, and trouble of the accomptant general of the said governor and company for performing the duty and trust incumbent on him by this act: all which allowances hereby impowered to be made as aforesaid, in respect of the service, pains, and labour of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contray notwithstanding. Salaries for cashiers, &c.

LVIII. *And whereas the said duties upon houses granted by the first herein recited act of the seventh and eighth years of the reign of his late majesty King* William *the Third, are (together with sundry other duties and revenues, commonly called* The general *or* aggregate fund) *charged with, and liable to pay several annuities and other payments, to several corporations and other persons intitled thereunto; and it may so happen, that by repealing the said rates and duties upon houses, the funds charged with the payments aforesaid may prove deficient: and whereas by a medium of five years, computed from the twenty ninth day of* September, *one thousand seven hundred and forty one, the sum of ninety one thousand four hundred eighty five pounds, and six pence three farthings, is taken to have been the annual produce of the said rates and duties upon houses to the said fund, towards answering the several payments aforesaid:* to the end therefore that no person or persons, bodies politick or corporate whatsoever, who are intitled to any part, share, or interest in the monies arising by the said rates and duties upon houses, may be losers, or receive any prejudice by the repealing thereof as aforesaid; be it enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, one thousand seven hundred and forty seven, there shall be reserved and set apart at the exchequer, and applied to the said *General* or *Aggregate fund* in the first place, out of the monies to arise into the said receipt, 91,485 l. 6 d. three farthings to be set apart for annuities on the aggregate fund.

of or for the rates and duties by this act granted, the yearly sum of ninety one thousand four hundred eighty five pounds, and six pence three farthings, being the aforesaid medium of what hath been annually produced to the said *General* or *Aggregate fund*, by the said rates and duties upon houses, by this act repealed as aforesaid, towards payment of the several annuities, and other payments charged on the said fund; any thing herein contained to the contrary thereof in any wise notwithstanding.

The surplus monies how to be applied.

LIX. And be it further enacted by the authority aforesaid, That after reserving, or setting apart the said yearly sum of ninety one thousand four hundred eighty five pounds, and six pence three farthings, herein before directed to be applied to the said *General* or *Aggregate fund*, out of the said rates and duties by this act granted as aforesaid, all the rest and residue of the monies arising into the exchequer of or for the said rates and duties, shall, from time to time, be issued and applied to satisfy and pay the several and respective annuities, and other charges by this act charged upon and made payable out of the same, at such times, and in such manner, as is herein before directed in that behalf, until redemption thereof by parliament as aforesaid.

LX. *And whereas a certain annuity, or yearly sum of seventy four thousand three hundred thirty four pounds, and eleven pence, is now charged upon, and payable to the* South Sea *company, out of the rates and duties upon coals, culm, and cinders, and the said additional rates and duties upon houses, granted by the before recited act of the eighth year of the reign of her said late majesty Queen* Anne: *and whereas it may so happen, that by the repealing the said additional rates and duties upon houses, the monies arising by the said duties upon coals, culm, and cinders only, may not be sufficient to answer and pay the said annuity, or yearly sum of seventy four thousand three hundred thirty four pounds, and eleven pence, to the said company; and it being just and reasonable, that provision should be made by this act, for making good any such deficiency that may happen therein,* be it therefore enacted and declared by the authority aforesaid, That if the monies arising into the receipt of his Majesty's exchequer, of or for the said duties upon coals, culm, and cinders, as aforesaid, shall at any time or times, from and after the said twenty fifth day of *March*, one thousand seven hundred and forty seven, be so low or deficient, as not to answer and pay to the said *South Sea* company the said annuity or yearly sum of seventy four thousand three hundred thirty four pounds, and eleven pence, charged thereupon as aforesaid; in all and every such case and cases, it shall and may be lawful to and for the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, and they are hereby respectively authorized and required to cause such deficiencies, as shall, from time to time, happen in the produce of the said rates and duties upon coals, culm, and cinders, to be made good out of any monies arisen or to arise into the said receipt of exchequer, of or for the rates and duties by this act granted (except

Deficiencies of the fund for payment of the annuity of 74,334 l. 11 d. to the South Sea company,

to be made good out of these duties.

cept such monies as are or shall be reserved and set apart for the use and purpose herein before mentioned.)

LXI. Provided always, That whatever monies shall be issued out of the said rates and duties by this act granted, for making good any such deficiencies as aforesaid, the same shall be replaced by and out of the first supplies to be granted in parliament, next after such deficiency shall have been made good; any thing herein before contained to the contrary in any wise notwithstanding. The monies to be replaced.

LXII. And it is hereby enacted by the authority aforesaid, That if at any time or times, the produce of the said rates and duties by this act granted, as aforesaid, shall happen to be so low or deficient, as that the monies arising thereby into the exchequer, shall not be sufficient to pay and discharge the several and respective annuities, and other charges by this act directed to be paid thereout, at the end of either of the respective half yearly days of payment, at which the same are hereby directed to be paid, then, and so often, and in every such case, such deficiency or deficiencies shall or may be supplied out of the overplus monies that shall or may happen to arise, and be paid into the exchequer in any subsequent half-years, as the said several and respective annuities shall, from time to time, become due and payable; and in case such overplus monies shall not be sufficient to satisfy the deficiencies hereby intended from time to time to be paid thereout, that then, and in every such case the deficiencies so from time to time happening, shall from time to time be answered, and made good out of the first supplies which shall be granted in parliament next after such deficiencies shall appear; and in case no such supplies shall be granted within six months next after such deficiencies shall happen, then the same shall be made good out of any the monies which at any time or times shall be or remain in the receipt of the exchequer, of the surplusses, excesses, or overplus monies commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall, and may be, from time to time, issued and applied accordingly. Deficiencies of these duties, &c. how to be made good.

LXIII. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said sinking fund, shall from time to time be replaced by and out of the first supplies, to be then after granted in parliament. Sinking fund to be replaced.

LXIV. Provided always, and be it enacted by the authority aforesaid, That in case there shall be any surplus or remainder of the monies, arising by the said rates and duties, after the said several and respective annuities, and other payments or charges by this act directed to be paid thereout, and all arrears thereof are satisfied, or money sufficient shall be reserved for that purpose, such surplus or remainder shall, from time to time, be reserved for the disposition of parliament, and shall not be issued but by authority of parliament, and as shall be directed by any fu- Surplus how to be applied.

ture

ture act or acts of parliament; any thing in any former or other act or acts of parliament to the contrary notwithstanding.

Clause of redemption.

LXV. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon one year's notice, to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* of *London*, by authority of parliament, at any of the half-yearly feast days, for payment of the said several and respective annuities, and upon repayment by parliament of the principal sum of four millions, and also upon payment of the said additional capital of four hundred thousand pounds, amounting together to the principal sum of four millions four hundred thousand pounds, for which the said respective annuities are payable to such respective persons or corporations as shall be entitled to the same annuities, and also upon full payment of all arrearages of the same annuities; then, and not till then, the said respective annuities shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the said several rates and duties by this act granted, as aforesaid, shall not be issued or applied to any use or purpose, but as shall be directed by any future act or acts of parliament; any thing in this, or any former act or acts of parliament to the contrary notwithstanding; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed on the *Royal Exchange* of *London*, as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

General issue.

Treble costs.

LXVI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained; such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

## CAP. IV.

An act to continue, explain, and amend an act made in the last session of parliament, intituled, *An act to enable his Majesty to make rules, orders, and regulations, more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom.*

*Amendment of* 19 *Geo.* 2. *c.* 5.

## CAP. V.

An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great-Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder, and perry in that part of Great Britain called Scotland; and for applying a certain sum of money therein mentioned, towards the supply for the service of the year one thousand seven hundred and forty seven.

CAP.

## CAP. VI.

An act to continue and make more effectual two acts of parliament; one passed in the twelfth year of the reign of her late majesty Queen Anne, and the other in the first year of the reign of his present Majesty, for repairing the highways between the Bear Inn in Reading and Puntfield in the county of Berks; and for amending other roads in the last act mentioned.

*The acts 12 Ann. and 1 Geo. 2. c. 7. continued for 21 years.*

## CAP. VII.

An act for enlarging the term and powers granted by an act passed in the twelfth year of the reign of his late majesty King George the First, intituled, *An act for repairing the roads leading from the western part of the parish of Shenfield, to Harwich in the county of Essex, and the road leading from Chelmsford in the said county, to Sudbury in the county of Suffolk, and from Margretting to Malden in the county of Essex, and from Colchester to Langham in the same county*; and for repairing other roads adjoining to the same roads.

*The act 12 Geo. 1. c. 23. continued for 21 years.*

## CAP. VIII.

An act for enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, for repairing, widening, and amending the road leading from Warrington to Wigan in the county of Lancaster; and also for amending and repairing the road leading from a place called Earl's Kill, in Warrington aforesaid, to the toll-bars in Wallgate, in Wigan aforesaid.

*The act 13 Geo. 1. c. 10. continued for 21 years.*

## CAP. IX.

An act for repairing the high road leading from the north end of the Cow Cawsey, near the town of Newcastle upon Tyne, to the town of Belford, and from thence to Buckton Burn, in the county of Northumberland.

*Certain tolls granted for 21 years.*

## CAP. X.

*An act for granting to his Majesty several rates and duties upon coaches, and other carriages therein mentioned; and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties.*

*Most gracious Sovereign,*

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, being desirous to raise the necessary supplies, which we have granted to your Majesty in this session of parliament, in the most safe, easy, and expeditious manner we are able, have voluntarily resolved to give and grant unto your Majesty the several and respective new rates and duties herein after expressed; and to that end and purpose do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled,

bled, and by the authority of the same, That from and after the twenty fifth day of *March*, one thousand seven hundred and forty seven, there shall be raised, levied, collected, and paid, unto and for the use of his Majesty, his heirs and successors, for and upon every coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, and caravan, or by what name soever such wheel-carriages now are, or hereafter may be called or known, that shall be kept by or for any person, for his or her own use, or to be let out to hire, the respective annual rates or duties herein after expressed; that is to say,

Duties upon coaches and other carriages.

For and upon every coach, berlin, landau, chariot, calash with four wheels, chaise marine, chaise with four wheels, and caravan, or by what name soever such carriages now are, or hereafter may be called or known, that shall be kept by or for any person, for his or her own use, or to be lett out to hire (other than and except such coaches, and other carriages, as now are, or hereafter may be, licensed by the commissioners for the duties arising by hackney coaches) the yearly sum of four pounds for every such coach, berlin, landau, chariot, calash with four wheels, chaise marine, chaise with four wheels, and caravan, or by what name soever such carriages now are, or hereafter may be called or known, so to be kept as aforesaid.

And for and upon every calash, chaise, and chair, with two wheels, or by what name soever such carriages now are, or hereafter may be called or known, to be drawn by one or more horses, that shall be kept by or for any person or persons, for his, her, or their own use, or to be lett out to hire, the yearly sum of forty shillings for every calash, chaise, or chair, with two wheels, so to be kept as aforesaid.

Which said several and respective rates and duties for and upon every such coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, and caravan, or by what name soever such carriages now are, or hereafter may be called or known, shall be paid by the person or persons who keep the same.

No person to pay for more than five carriages, except they be kept for hire.

II. Provided nevertheless, That no person shall be obliged to pay the said yearly sum of four pounds for more than five such carriages on which the said duty of four pounds a year is hereby charged, to be kept by or for him or her, for his or her own use only; nevertheless it is the true intent and meaning of this act, that all persons who shall keep the same for supplying any waiting jobb, by the day, week, month, quarter, or any other time, or otherwise to be lett out to hire, shall pay the said yearly sum of four pounds for every such coach, berlin, landau, chariot, calash with four wheels, chaise marine, and chaise with four wheels, or by what name soever such carriages now are, or hereafter may be called or known, so to be kept by him, her, or them, to be lett out for hire, as aforesaid, though exceeding the number of five; and that every person, who shall keep any calash, chaise, or chair with two wheels, or by what name soever such

such carriages now are, or hereafter may be called or known, to be drawn by one or more horses, to be let out for hire, shall pay the said yearly sum of forty shillings for every calash, chaise, or chair, so to be kept by him or her, to be lett out for hire, as aforesaid, though exceeding the number of five.

III. And for the better ascertaining, charging, levying, and securing the several duties by this act imposed, and for preventing all frauds concerning the same; be it further enacted by the authority aforesaid, That such of the said duties by this act granted, as are or shall be chargeable upon such coaches, berlins, landaus, chariots, calashes, chaise marines, chaises, chairs, and caravans, or by what names soever such carriages now are, or hereafter may be called or known, that shall be kept by or for any persons for his, her, or their own use, or to be lett out to hire in *England*, *Wales*, or the town of *Berwick upon Tweed*, shall be under the management of the commissioners and officers of the excise in *England* for the time being; and such of the said duties as are imposed by this act upon such coaches, berlins, landaus, chariots, calashes, chaise marines, chaises, and chairs, or by what names soever such carriages now are, or hereafter may be called or known, that shall be kept by or for any persons for his, her, or their own use, or be lett out to hire in *Scotland*, shall be under the management of the commissioners and officers of the excise in *Scotland* for the time being, who are hereby respectively impowered to appoint proper officers for charging, collecting, and receiving the same; and all monies arising by the said duties (the necessary charges of raising and accounting for the same excepted) shall, from time to time, be paid into the receipt of his Majesty's exchequer at *Westminster*, distinctly and apart from all other branches of the publick revenues, for the purposes herein after mentioned.

Duties upon coaches, &c. chargeable in England to be under the management of the officers of excise in England;

and those in Scotland under like officers there.

Commissioners to appoint officers for collecting the duties.

IV. And it is hereby enacted by the authority aforesaid, That all and every person and persons, who from and after the said twenty fifth day of *March*, one thousand seven hundred and forty seven, shall have or keep any coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or caravan, or by what name soever such carriage now is or hereafter may be called or known, for his, her, or their own use, or the use of any person of or for whom he, she, or they, is, are, or shall be committees, trustees, or guardians, or to lett out to hire, in *London*, *Westminster*, or in any parts within the limits of the weekly bills of mortality, shall, within thirty days after the said twenty fifth day of *March*, one thousand seven hundred and forty seven, or within twenty days after he or she shall begin to keep such coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or caravan, or by what name soever such carriage now is, or hereafter may be called or known, give notice in writing at the chief office of excise in *London*; and all and every person and persons, who from and after the said twenty fifth day of *March*, one thousand seven hundred and forty seven, shall keep any coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or

Persons keeping coaches, &c. to give notice at the excise office.

caravan, or by what name soever such carriage now is, or hereafter may be called or known, for his or her own use, or for the use of any person of or for whom he, she, or they, shall be committees, trustees, or guardians, or to lett out to hire in any other part of *Great Britain*, shall, within sixty days after the said twenty fifth day of *March*, one thousand seven hundred and forty seven, or within twenty days after he, she, or they, shall begin to keep such carriage, and from time to time within twenty days after beginning to keep any other such carriages respectively, not being in the place of the former, give notice in writing at the office of excise, next to the place where such person or persons, for whose use the same shall be so kept, shall respectively inhabit, of his, her, or their keeping the same, and of the number of the coaches, berlins, landaus, chariots, calashes with four wheels, chaise marines, chaises, or chairs with four wheels, or caravans, and calashes, chaises and chairs with two wheels, or by what name soever such carriages now are, or hereafter may be called or known, so by him, her, or them respectively kept as aforesaid, and of the parish or place where he or she respectively resides, and shall at the same time pay down the respective annual rates and duties so imposed as aforesaid, for the keeping the same.

Duties when to be paid.

Notice to be given every year,

V. And be it further enacted by the authority aforesaid, That all and every person or persons that shall give, or be obliged to give such notice as aforesaid, is and are hereby required at or within twenty days after the expiration of twelve calendar months, after the times of giving or being obliged to give such first notices, to give a fresh notice in manner aforesaid, and pay down the respective annual rates and duties above mentioned, according to the number of coaches, berlins, landaus, chariots, calashes with four wheels, chaise marines, chaises, and chairs with four wheels, or caravans, and calashes, chaises and chairs with two wheels, or by what names soever such carriages now are, or hereafter may be called or known, so by him, her, or them respectively then kept, and in the same manner to renew such notice, and make such payment from year to year, as long as he, she, or they shall so keep any such carriages; and if any person or persons shall so keep any coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or caravan, or by what name soever such carriage now is, or hereafter may be called or known, as aforesaid, without giving such first notice, and making such payments as aforesaid, or without renewing such notice and payments yearly, in manner as aforesaid, he, she, or they shall respectively forfeit and lose the sum of twenty pounds for each offence.

and the duties paid.

Penalty.

Names of the owners and the number of coaches,

VI. And be it further enacted by the authority aforesaid, That upon the payment of the said respective rates and duties so hereby granted, at the said respective offices of excise, by the respective owners or proprietors thereof as aforesaid, the names of the persons so paying the same, and the number of the coaches, berlins, landaus, chariots, calashes with four wheels, chaise marines,

rines, chaises, and chairs with four wheels, and caravans, and calashes, chaises and chairs with two wheels, or by what names soever such carriages now are, or hereafter may be called or known, by him or her respectively kept, and the name of the parish or place where he or she, and any person of or for whom he, she, or they shall be committee, trustee, or guardian, resides, shall be entered in a register to be kept at the said respective offices of excise for that purpose by the person so receiving the same: and a receipt (of which an indented duplicate shall be kept by the person receiving the said money) shall be given to every person so paying such respective rates by the said person so receiving the same; which receipt shall contain the number of the said register, the number of the coaches, berlins, landaus, chariots, calashes, chaise marines, chaises, chairs, and caravans, or by what names soever such carriages now are, or hereafter may be called or known, so respectively paid for, the sum so paid, and the time for which such sum shall have been so paid, and be a discharge to the respective owner for such number of coaches, berlins, landaus, chariots, calashes, chaise marines, chaises, chairs, and caravans, wheresoever the same are respectively used.

to be register'd.

Form of the receipts.

VII. And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to charge with the said duty of four pounds *per annum*, by this act imposed upon coaches, and other carriages, any publick stage coach, which is constantly employed in carrying passengers for hire to and from different places within this kingdom, on certain days in every week fixed for that purpose, and not used or lett out to hire by way of by-jobb, for a day, or any longer time.

Stage coaches.

VIII. Provided also, That this act shall not extend to charge with the said duty of forty shillings *per annum*, by this act imposed upon chaises and chairs with two wheels, any post chaise that now is, or hereafter shall be kept for hire by his Majesty's post-master general, or by any deputy post-master in *Great Britain*, authorized by him to keep such post chaises.

and post chaises, exempted.

IX. Provided nevertheless, That all and every the post chaises, so to be kept by such post-master general, or any deputy post-masters, for hire, as aforesaid, shall, within thirty days after the said twenty fifth day of *March*, one thousand seven hundred and forty seven, or within thirty days after the letting out of such chaises for hire, be entered by the owners thereof at the office of excise next to the place where such persons inhabit; and shall (besides his Majesty's arms to be painted upon every such post chaise) have such figure or mark of distinction fixed thereupon, as shall be appointed by the said commissioners for that purpose; and in case any such post-master shall, from and after the said twenty fifth day of *March*, one thousand seven hundred and forty seven, lett out to hire any such post chaise before the same shall have been entered, or shall have such arms painted, or such mark or figure fixed thereupon, as aforesaid,

Post chaises to be entered at the excise office,

and to have a mark.

every such deputy post-master and post-masters shall, for every such offence, forfeit the sum of twenty pounds.

Penalty 20 l.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners to cause such figure or mark of distinction as they shall think proper to appoint, to be fixed upon every such coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or caravan, or by what name soever such carriage now is, or hereafter may be called or known, that shall be so lett out to hire as aforesaid, and in case any person or persons whatsoever shall lett out to hire any such carriage which shall not have such figure or mark of distinction fixed thereupon as aforesaid, or shall take off the same when fixed to any such carriage, every such person shall, for every such offence, forfeit and lose the sum of twenty pounds.

Coaches, &c. lett out to hire to carry a figure, &c.

Penalty 20 l.

XI. And it is hereby further enacted, That nothing in this act contained shall extend to charge with any of the said rates and duties, any coach which shall be licensed by the commissioners for regulating and licensing hackney coaches within the cities of *London* and *Westminster*, and the suburbs thereof, and have the proper figure or number thereon, and which shall not be employed in carrying any person or persons more than ten miles from the said cities respectively.

Licensed coaches exempted.

XII. Provided also, and it is hereby declared, That nothing in this act contained shall extend to charge with any of the said duties, any coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or caravan, or by what name soever such carriage now is, or hereafter may be called or known, kept for sale, and remaining unsold in the possession of the owner thereof, or of any coachmaker the purchaser thereof; and no such carriage shall at any time, whilst in such possession, be employed for his or her own use, or for the use of any other person, other than such person whose like carriage shall be then mending or repairing by such coachmaker, or be lett out to hire, on pain of forfeiting the sum of twenty pounds for every time that such carriage shall be so employed, or lett out to hire as aforesaid.

Coaches kept for sale not to be taxed.

Penalty on letting out such coaches.

XIII. And be it further enacted by the authority aforesaid, That all the rates and duties hereby granted, as also all forfeitures and offences made and committed against this act, or any clause or article therein contained, shall be heard, adjudged, and determined by such person and persons, and in such manner and form, as hereafter in and by this act is directed and appointed; that is to say, all prosecutions for the recovery of the duties hereby granted, and also for all forfeitures and offences made and committed within the immediate limits of the chief office of excise in *London*, shall be heard, adjudged, and determined by the said commissioners of excise, or the major part of them, or by the commissioners for appeals, or the major part of them, in case of appeal, and not otherwise; and all prosecutions for the recovery of the duties hereby granted, and also for all forfeitures and offences made and committed within all or any other the counties, shires, stewartries, cities, towns, or places within the kingdom of *Great Britain*,

Prosecutions where to be.

*Britain*, shall be heard and determined by any two or more of the justices of the peace residing near to the place where such forfeitures shall be made, or offence committed; and if the party finds himself aggrieved by the judgment given by two or more justices, he shall and may appeal to the justices of the peace at the next quarter sessions, who are hereby authorized and impowered to hear and determine the same, whose judgement therein shall be final; which said commissioners for appeals, and regulating this duty, and the said commissioners of excise, and all justices of the peace aforesaid respectively, are hereby authorized, and strictly enjoined and required, upon complaint or information upon oath, exhibited and brought of any forfeiture made, or offences committed, contrary to this act, to summon the party accused, and upon his appearance, or contempt, to proceed to the examination of the matter of fact, and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more credible witness or witnesses (which oath they, or any two or more of them, have hereby power to administer) to give judgement or sentence thereupon, and to award and issue out warrants under their hands, for the levying of such forfeitures and penalties as are by this act imposed, for any such offence committed, upon the goods and chattels of the offender, and to cause sale to be made of the said goods and chattels, if they shall not be redeemed within fourteen days, rendering to the party the overplus, if any be; and for want of sufficient distress, to imprison the party offending till satisfaction be made.

Commissioners, &c. upon complaint, to summon the party,

and give judgement, &c.

and for want of distress, to commit the offender.

XIV. And it is hereby further enacted, That all forfeitures and penalties mentioned in this act (all necessary charges for the recovery thereof being first deducted) shall be employed, one moiety thereof to and for the use of his Majesty, and the other moiety thereof to the discoverer or informer of the same.

Forfeitures how to be disposed, &c.

XV. Provided always, and be it enacted by the authority aforesaid, That in every case where the duty or duties required by this act to be paid, by any person chargeable with the same, shall be paid, and entry made as aforesaid, before any information laid of such entry or payment not having been made, although not strictly within the time for that purpose mentioned, no person having made such payment and entry, shall be afterwards prosecuted for not having made such payment or entry within the time limited by this act.

None to be prosecuted, where the duties are paid, &c. before information given.

XVI. Provided always, and be it further enacted by the authority aforesaid, That if any person having made due entry and payment of the duty for any coach or coaches, or other carriage or carriages mentioned in this act, according to the true intent and meaning thereof, shall die before the end of the year for which such entry and payment shall be made; in every such case, it shall be lawful for every person claiming title to any such coach or coaches, carriage or carriages aforesaid, by, from, or under such deceased person, to make use of such coach or coaches, carriage or carriages, for or in respect whereof such entry and

Successors of deceased persons, who have paid the duties, not to be charged for the residue of the year.

duty shall have been made and paid as aforesaid, during the residue of the year for which such payment shall have been made, in like manner, as such deceased person might have done, if living.

Books to be kept for entering the monies coming in.

XVII. And be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the said receipt of exchequer at *Westminster*, a book or books, in which all the monies hereby appointed to be paid into the said receipt, shall be entered separate and apart from all other monies paid or payable there to his Majesty, his heirs or successors, upon any account whatsoever; and the said money so appointed to be paid into the said receipt of exchequer as aforesaid, shall be the yearly fund for the uses and purposes herein after mentioned.

Appropriation of the duties.

XVIII. And be it further enacted by the authority aforesaid, That all and every the annuities which by this act shall be granted and made payable, in respect of the principal sum of one million, to be raised towards the supply, for the service of the year one thousand seven hundred and forty seven, in such manner and form as herein after is directed, until redemption thereof by parliament, shall be charged and chargeable upon, and payable out of the said rates and duties by this act granted to his Majesty; and the said rates and duties shall be, and are hereby appropriated for that purpose accordingly.

1,000,000 l. to be raised by lottery, for purchase of annuities at 4 l. per cent.

XIX. *And whereas it is intended, That the said sum of one million shall be raised by way of a lottery, for the purchase of annuities, after the rate of four pounds* per centum per annum, *in manner hereafter mentioned*; be it therefore enacted by the authority aforesaid, That the annuities becoming due and payable to the contributors to the lottery herein after mentioned, their executors, administrators, and assigns, at the rate of four pounds *per centum per annum*, in respect of the said principal sum of one million, in manner hereafter in this act expressed, until redemption thereof by parliament, according to the proviso herein after contained in that behalf, shall be charged upon the said rates and duties, from the feast day of the nativity of Saint *John* the Baptist, which shall be in the year of our Lord one thousand seven hundred and forty seven, and shall, from time to time, be paid half yearly, at the feasts of the birth of our Lord Christ, and the nativity of Saint *John* the Baptist, by even and equal portions, the first payment thereof to be due and payable for the half-year ending at the feast of the birth of our Lord Christ, one thousand seven hundred and forty seven.

to be charged on the rates.

Any person may advance 10 l. or more.

XX. And be it further enacted by the authority aforesaid, That for or towards raising the said sum of one million, it shall and may be lawful for any person or persons, natives or foreigners, bodies politick or corporate, to contribute by paying at or before the respective times by this act limited in that behalf, to any receiver or receivers to be appointed for that purpose, as is herein after mentioned, the sum of ten pounds, or divers entire sums of ten pounds upon this act; and that every such contributor

butor or adventurer for every such sum of ten pounds, which he, she, or they shall so advance, shall be interested in such lot or share of and in the joint stock of annuities, established by this act, as is herein after mentioned and appointed in that behalf; and the same entire sums of ten pounds each, are hereby appointed to be paid unto such receiver or receivers, at such time or times, and in such proportions at a time, as are herein after mentioned in that behalf; that is to say, one fourth part thereof, upon such day as shall be appointed by the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being; one other fourth part thereof, on or before the twenty third day of *June*, one thousand seven hundred and forty seven; one other fourth part thereof, on or before the twentieth day of *August* then next ensuing; and the remaining fourth part thereof, on or before the sixteenth day of *October*, then next following.

Times of advancing the sums.

Managers to be appointed by the treasury. There shall be printed 50,000 tickets. Where any ticket shall be a prize, the ticket of the like number shall be a prize of like value. Treasury to appoint receivers, and take security. Managers to examine the books of tickets, and deliver them to the receivers. Receivers shall deliver tickets to the contributors; of which 7,150 shall be fortunate; and shall be written upon in manner following, *viz.* upon two, 10,000 l. upon three, 5000 l. upon five, 2000 l. upon fifteen, 1000 l. upon thirty one, 500 l. upon one hundred and fifty one, 100 l. upon three hundred and ninety eight, 50 l. upon six thousand five hundred and forty five, 20 l. which sums, with 500 l. to the first drawn ticket, and 1000 l. to the last drawn, will amount to 242,900 l. which being added to 257,100 l. on the remaining 42,850 blank tickets, at 6 l. each, amount together to 500,000 l. which with the like sum payable in respect of the 50,000 corresponding tickets, amount together to 1,000,000 l. to be converted into annuities. Manner of drawing the lottery. Prizes to be entered in a book. A list of the prizes to be printed. Counterfeiting of tickets, certificates, or the numbers of them, felony. Guardians may adventure infants money in the lottery; so as such infants names be in the receipts and tickets. Limitation of sale of chances, &c. Persons selling shares in tickets of which they are not possessed, to forfeit 500 l. The tickets to be exchanged for certificates. EXP.

XL. And be it further enacted by the authority aforesaid, That the said accomptant general of the bank of *England* for the time being, to whom the said certificates are to be directed as aforesaid, shall, upon receiving and taking in the said certificates, or any of them, give credit to the persons named therein, in a book or books, to be by him provided and kept for that purpose, for the principal sums contained in every such certificate; and the persons to whose credit such principal sums shall be entered in the said book or books, his, her, or their executors and administrators shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, bodies politick or corporate whatsoever, in other books, to be prepared and kept by the said accomptant general for that purpose; and the principal sums so assigned and transferred, shall carry the said annuity of four

Accomptant general to give credit for the sums named in the certificates;

which may be transferred, and carry 4 per cent. interest.

pounds *per centum per annum*, and shall be taken and deemed to be stock transferrable by this act, according to the powers and authority herein after mentioned, until the redemption thereof as aforesaid; and the said accomptant general of the bank of *England* for the time being, is hereby authorized and directed to cancel and file the certificates, as they shall from time to time be received and taken in by him, and to give the persons bringing in the same a note under his hand, testifying the principal money for which they shall have credit in the said book or books, by reason or means of the certificates so received, taken in, and cancelled as aforesaid, and of the annuities attending the same.

Certificates to be cancelled, and notes given in lieu thereof.

XLI. And for the more easy and sure payment of the several and respective annuities, amounting in the whole to one million, by this act authorized to be purchased as aforesaid; it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall from time to time, until the said several and respective annuities, after the rate of four pounds *per centum per annum*, shall be redeemed according to this act, appoint and employ one sufficient person or persons within their office in the city of *London*, to be their chief or first cashier or cashiers, and one other sufficient person, within the same office, to be their accomptant general; and that so much of the monies, from time to time arising into the receipt of the exchequer, for the said several rates and duties by this act appropriated for this purpose, as shall be sufficient, from time to time, to answer the said several annuities, and other payments directed to be paid or discharged out of the same, shall, by order of the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury of his Majesty, his heirs or successors for the time being, without any further or other warrant to be sued for, had, or obtained in that behalf, from time to time, at the respective half yearly feast days or days of payment, in this act before appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said first or chief cashier or cashiers of the said governor and company of the bank of *England*, and their successors for the time being, by way of imprest, and upon account for the payment of the said several annuities to be purchased upon this act, at such times, and in such manner and form, as are by this act prescribed in that behalf; and that all and every such cashier and cashiers, to whom the said monies shall from time to time be issued, shall from time to time, without delay, apply and pay the same accordingly, and render his account thereof according to the due course of the exchequer; any thing therein contained to the contrary notwithstanding.

Chief cashier and accomptant general to be appointed.

Monies for payment of the annuities to be issued from the exchequer by way of imprest, &c.

Cashiers to make payments.

XLII. And it is hereby also enacted, That the said accomptant general for the time being, shall from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay; and that all and every person and persons whatsoever, who shall be intitled to any of the

Accomptant general to inspect the cashiers receipts.

the said several and respective annuities, after the rate of four pounds *per centum per annum*, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, and the same shall not be descendible to the heir, and shall not be liable to any foreign attachment by the custom of *London*, or otherwise; any law, statute, or custom to the contrary notwithstanding.

Annuities to be a personal estate, &c.

XLIII. And be it further enacted by the authority aforesaid, That all monies to be advanced or contributed, or to which any person or persons shall become entitled upon this act, for or towards the said sum not exceeding one million, shall be deemed, reputed, and taken to be one capital or joint stock, on which the said several and respective annuities, after the rate of four pounds *per centum per annum*, shall be attending; and that all and every person and persons, and corporations whatsoever, in proportion to the money by him, her, or them advanced, or to which they shall become intitled as aforesaid, upon this act, shall have, and be deemed to have a proportional interest and share in the said stock, and in the annuity attending the same, at the rate aforesaid; and that the said whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the same, shall be assignable and transferrable as this act directs, and not otherwise; and that there shall constantly be kept at all seasonable times, in the office of the said accomptant general for the time being, within the city of *London*, a book or books, wherein all assignments or transfers of the said whole capital or joint stock, or any part thereof, and the proportional annuity attending the same, at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or if such parties be absent, by his, her, or their attorney or attornies thereunto lawfully authorized, by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons, to whom such transfer shall be made, do underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good or available in law.

The monies contributed to be a joint stock, &c.

transferrable.

Book to be kept for transfers.

Entries to be signed by the parties transferring and accepting.

XLIV. Provided always, That any person or persons possessed of such stock, with the annuity or annuities attending the same, or any estate or interest therein, may devise the same by will, in writing, attested by two or more credible witnesses; but that such devisee shall receive no payment thereupon, till so much of the said will, as relates to the said stock or annuity, be entered in the said office; and in default of such transfer or devise, the said stock and annuities attending the same, shall go to the executors or administrators; and that no stamp duties whatsoever shall be charged on the said transfers, or any of them; any other law or statute to the contrary notwithstanding.

Annuities devisable, &c.

In default of devise, &c. to executors.

XLV. Provided always, and it is hereby enacted by the authority

The bank to continue a company till redemption of the annuities.

thority aforesaid, That the said governor and company of the bank of *England*, and their successors, (notwithstanding the redemption of all or any their own funds, in pursuance of the acts for establishing the same, or any of them) shall continue a corporation, with all the powers, privileges, and advantages thereunto belonging, for the purposes in this act expressed, till all the annuities to be purchased on this act shall be redeemed by parliament, according to the proviso herein after contained in that behalf; and the said governor and company, or any members thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act.

No fee for payment of contribution-money.

XLVI. And it is hereby enacted by the authority aforesaid, That no fee or gratuity whatsoever, shall be demanded or taken of any of his Majesty's subjects, for receiving or paying the said contribution-monies, or any of them, or for any tallies or receipts concerning the same, or for issuing the monies for paying the said several annuities, or any of them; and that no fee or gratuity shall be demanded or taken for any transfer, of any sum great or small, to be made in pursuance of this act; upon pain that any officer or person offending, by taking or demanding any fee or gratuity contrary to this act, shall forfeit the sum of twenty pounds to the party grieved, to be recovered with full costs of suit, in any of his Majesty's courts of record at *Westminster*.

Transfers to be made gratis.

Penalty.

Treasury to pay the charges of executing this act, out of the duties,

XLVII. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized out of the said several rates and duties by this act granted and appropriated as aforesaid, to discharge all such incident charges, as shall necessarily attend the execution of this act, in such manner, as to them shall seem just and reasonable; and also to settle and appoint such allowances, out of the contributions aforesaid, as they shall think just and reasonable, for the service, pains, and labour of the receiver or receivers of the contributions to the said lottery, for receiving and accounting for the same; and also such further allowances, out of the said several rates and duties by this act appropriated, as they shall think just and reasonable, for the service, pains, and labour of the cashier or cashiers of the governor and company of the bank of *England*, for receiving, paying, and accounting for the several and respective annuities, payable in respect thereof; and also for the service, pains, and labour of the accomptant general of the said governor and company, for performing the duty and trust incumbent on him by this act; all which allowances hereby impowered to be made as aforesaid, in respect to the service, pains, and labour of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

and appoint salaries for the cashiers and other officers.

XLVIII. And

XLVIII. And it is hereby enacted by the authority aforesaid, That if at any time or times the produce of the said several rates and duties shall happen to be so low or deficient as that the monies arising therefrom into the exchequer, shall not be sufficient to pay and discharge the several and respective annuities, and other charges directed to be paid thereout, at the end of any or either of the respective half-yearly days of payment, at which the same are hereby directed to be paid, then, and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of the overplus monies, that shall or may happen to arise and be paid into the exchequer in any of the subsequent half years, as the said respective annuities shall, from time to time, become due and payable; and in case such overplus monies shall not be sufficient to satisfy the deficiencies hereby intended from time to time to be paid thereout, that then, and in every such case, the deficiencies so from time to time happening, shall, from time to time, be answered and made good by and out of the first supplies which shall be granted in parliament next after such deficiencies shall appear; and in case no such supplies shall be granted within six months next after such deficiencies shall happen, then the same shall be made good out of any the monies which at any time or times shall be or remain in the receipt of the exchequer, of the surplusses, excesses, or overplus monies, commonly called *The sinking fund* (except such monies of the same sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be from time to time issued and applied accordingly; and if at any time or times before any monies of the said several rates and duties hereby granted shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the several annuities aforesaid, which shall be actually incurred and grown due at any of the said half-yearly days of payment before mentioned, that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the said sinking fund (except as before excepted) and be issued accordingly.

Deficiencies, &c. to be made good.

XLIX. Provided always, and be it enacted by the authority aforesaid, That whatsoever monies shall be so issued out of the said sinking fund, shall from time to time be replaced by and out of the first supplies, to be then after granted in parliament.

Sinking fund to be replaced.

L. Provided always, and be it further enacted by the authority aforesaid, That in case the monies arisen, or to arise into the receipt of his Majesty's exchequer, of or for the rates and duties by this act granted, shall be more than sufficient to answer and pay the several annuities by this act charged thereupon, it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, and they are hereby respectively authorized and required, from time to time, to issue and pay,

Surplus monies how to be applied.

pay, out of the surplus money of the said rates and duties by this act granted as aforesaid, so much money as shall, from time to time, be wanting to make good any deficiency that shall or may happen in the produce of the rates and duties upon houses, windows, or lights, granted to his Majesty, his heirs and successors, by one other act of this present session of parliament; any thing herein contained to the contrary in any wise notwithstanding.

Clause of redemption.

LI. Provided also, and be it further enacted by the authority aforesaid, That at any time upon one year's notice to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament, at any of the half yearly feast days, for payment of the said respective annuities, and upon repayment by parliament, of the respective principal sums, for which the said respective annuities, shall be payable to such respective persons or corporations, as shall be intitled to the same annuities, and also upon full payment of all arrearages of the same annuities; then, and not till then, the said respective annuities shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the said several rates and duties, shall not be issued or applied to any use or purpose, but as shall be directed by future act or acts of parliament; and that any vote or resolution of the house of commons signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed on the *Royal Exchange* in *London* as aforesaid, shall be deemed and adjudged to be sufficient notice, within the words and meaning of this act.

General issue.

LII. And it is hereby enacted by the authority aforesaid, That if any person or persons shall be molested or prosecuted for any thing done by virtue or in pursuance of this act, or any the clauses therein contained, such person or persons shall and may plead the general issue, and give this act, and the special matter in evidence for his, her, or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgement shall be given against him or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs to them awarded against such plaintiff or plaintiffs.

Treble costs.

## CAP. XI.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. Exp.

## CAP. XII.

An act for repairing the high road leading from the city of Durham, in the county of Durham, to Tyne Bridge in the said county.

*Certain tolls granted for 21 years.*

## CAP. XIII.

An act for repairing the road from Sunderland near the sea, to the city of Durham, in the county of Durham.

*Certain tolls granted for 21 years.*

CAP.

## CAP. XIV.

*An act for opening, cleansing, repairing, and improving the haven of Southwould in the county of Suffolk.*

WHEREAS *there hath been, for time out of mind, a sea-port or harbour for shipping at* Southwould *in the county of* Suffolk, *which is situated very conveniently, not only for the safe-guard and preservation of ships and vessels navigating in the* British *seas, but also for the importation and exportation of many useful wares and commodities, and for the benefit of trade and commerce in general: and whereas the road or haven, lying before and without the said port or harbour, is so choked up or obstructed with sand, as to prevent any loaded ships or vessels (except such as are of very small tonnage or burthen) from passing into or out of the said harbour:* to the end therefore that the said haven, port, or harbour may be opened, cleansed, repaired, and improved, so as to render the same safe and commodious for shipping, and of publick benefit and utility to the trade and commerce of this kingdom; be it enacted, &c.

From 25 March, 1747, for 21 years, &c. there shall be paid, for every English vessel which shall sail into the harbour, and neither load nor unload there, 1 d. 2 q. per ton, according to their light bills. For every chaldron of coals, culm, and cinders, landed from any English ship in the said port, 1 s. For every last of wheat, rye, barley, malt, oats, and other grain, exported or imported, 1 s. For every ton of rock salt, 1 s. For every hogshead of wine, brandy, or other spirituous liquor, 1 s. For every ton of chalk, other than for improving land, 1 d. For every firkin of butter and weigh of cheese, 1 d. For every ton of grocery wares, and other goods (fish, butter and cheese excepted) 1 s. 6 d. For every ton of lead, 1 s. For every foreign ship which shall sail into the harbour, and not load nor unload there, and for all goods exported or imported, out of any foreign ship in the port, double duties. Duties may be levied by distress and sale. No ship to be cleared at the custom-house, till a certificate is produced of the payment. Monies to be applied towards cleaning and improving the harbour. Trustees to state their accounts yearly. Bailiffs, &c. of Southwould to be present at the making up the accounts. Trustees may contract for cleansing, &c. the harbour; and may borrow money on the duties. New trustees may be chose in the room of those who are dead, &c. No person to throw rubbish into the harbour, under penalty of 40 s.

## CAP. XV.

An act for repairing, improving, and maintaining the publick conduits, and other water-works, belonging to the town of Southampton.

## CAP. XVI.

An act for enlarging the term and powers granted by several acts of parliament passed for repairing the highways between Wymondham and Attleborough, and from Wymondham to Hetherset, and from the mouth of Wigmore Lane, to Hall Walk Gate in Attleborough, in the county of Norfolk; and for amending the other roads adjoining to the highways directed to be repaired by the said former acts, and making the said acts more effectual.

*Former acts 7 Will. 3. c. 26. &c. continued for 21 years.*

CAP.

## CAP. XVII.

An act for enlarging the term and powers granted by two acts of parliament for laying a duty of two pennies Scots upon every pint of ale and beer brewed and vended within the town of Dundee, and the liberties and suburbs thereof, for the purposes in the said acts and this present act mentioned.

*The duty of excise continued to the town for 25 years.*

## CAP. XVIII.

*An act for the better preservation and improvement of the river* Wear, *and port and haven of* Sunderland, *in the county of* Durham.

3 Geo. 1. *private.*

WHEREAS *the town of* Sunderland *near the sea, situate on the river* Wear, *in the county of* Durham, *is well inhabited by rich and able merchants and tradesmen, and may be of great importance, as well for his Majesty's service and revenue, as for the publick benefit of the kingdom, having a port or haven capable of containing many hundred sail of ships at one time, and from whence may be loaded and sent great numbers of ships with coals, salt, glass, and other merchandizes, to divers places within this realm, and also to foreign parts; and divers kinds and sorts of merchandizes may be imported in the said port or haven, whereby not only a great revenue will yearly arise to his Majesty, but there will be also a constant nursery and supply of able seamen to serve on board the royal navy, and great numbers of poor people may be constantly employed in and about work and trade of the said river and port: and whereas by an act passed in the third year of the reign of his late majesty King* George *the First, intituled,* An act for the preservation and improvement of the river *Wear,* and port and haven of *Sunderland,* in the county of *Durham, certain persons in the said act named, were named, constituted, and appointed commissioners of the said river, port, and haven, within the limits, with the powers, and for the purposes therein mentioned, for and during the term of twenty one years; and for the effectual cleansing and preserving the said river, port, and haven, certain duties were by the said act granted and made payable from and after the twenty fourth day of* June, *which was in the year of our Lord one thousand seven hundred and seventeen, and to have continuance for the space of twenty one years then next following: and whereas another act passed in the thirteenth year of the reign of his late majesty King* George *the First,* For the more effectual preservation and improvement of the river *Wear,* and port and haven of *Sunderland,* in the county of *Durham, whereby divers additional powers were granted to the said commissioners: and whereas the said commissioners, in pursuance and in execution of the powers by the said acts given to them, did, before the expiration of the said term thereby limited (which was on the twenty fourth day of* June, *in the year of our Lord one thousand seven hundred and thirty eight) at a very great charge, erect a pier and a key at or near the mouth of the said river, on the south side thereof, and did divers other acts, for the opening, cleansing, scouring, and improving of*

13 Geo. 1. *private.*

*of the said river, port, and haven, from whence some benefits and advantages have arose; and in order to have more effectually cleansed, scoured, and preserved the same, the said commissioners proposed and intended to have lengthened the said pier, and also to have built a pier or piers, key or keys, wall or walls, jettee or jettees, on the north side of, and to have made and done other works near the mouth of the said river, port, or haven; but the money arising from the duties laid and made payable by the said first mentioned act, not being sufficient to make and perform such additional works within the term by the said former acts limited, the mouth of the said river, port, or harbour, for want thereof, is still very much choaked by sand thrown up, and brought into, and lodged in the said harbour by the sea; and also by means of great banks of sand, gravel, rubbish, and other gross matter washed and brought down to, and lodged in the same, by land floods, and other accidents; and also by throwing ballast, coal ashes, rubbish, and other gross matter within the said river, port, or harbour; and by the irregular and low building, and want of repairing of wharfs, staiths, and keys, on or near the said river; but more especially for want of such pier or piers, key or keys, wall or walls, jettee or jettees, at or near the mouth of the said river, port, or haven to scour and cleanse the same, so that the depth of water at the mouth of the said river is not yet sufficient for loaden ships and vessels to come into, or go out of, the same, whereby the navigation and trade of and in the said river, port, or haven, is very much prejudiced, hindered, and obstructed: and whereas the lengthening the present pier, and erecting and building a pier or piers, key or keys, jettee or jettees, and making and performing other works at or near the mouth of, and on other convenient parts of the said river, will be a means of deepening, cleansing, and rendering the same more navigable; and the preventing ballast, coal ashes, stones, sand, rubbish, and other gross matter, being washed into the said river, port, or haven, and the removing and preventing other the abuses and inconveniencies aforesaid, will be a means of preserving the said river, port, or haven, so that, at all times thereafter, loaden ships or vessels of a considerable burden may ride in, and sail into, and out of, the same, at all tides; which will be a means of reducing and keeping low the prices of coals at* London, *and other the delivering-ports within this kingdom, and will very much tend to the encouragement and increase of navigation and trade; which said undertaking and works, to finish and complete the same, will cost a very considerable sum of money:* to the end therefore that the said river, port, and haven of *Sunderland* aforesaid may be further improved, and the said pier already built, lengthened, and such other pier or piers, key or keys, jettee or jettees, and other works may be erected, built, made, and performed, as at any time hereafter shall, by the commissioners hereby or hereafter to be appointed, be adjudged for the advantage or improvement of the said river, port, or haven; and that the same may be preserved and kept in repair; may it please your Majesty, that it may be enacted, *&c.*

Commissioners appointed for 21 years. Not less than 7 commissioners to be at a meeting. Commissioners impowered to remove and appoint officers.

cers. No commissioner to hold any of the offices. In case of death or incapacity new commissioners to be chosen. Commissioners may purchase or take leases of lands, &c. and lengthen and erect piers, &c. on such lands, &c. and employ workmen, and keels, &c. to remove obstructions; provided no grounds, &c. are damaged, nor the highway from Monk Wearmouth to Whitburne stopped. Commissioners to determine all differences. River to be made navigable between Biddick ford and Newbridge. Commissioners, in cases of abuses, &c. to summon the persons complained of. Jury to enquire into the offences. Commissioners, on the jury's verdict, to order persons offending to remove obstructions, &c. on penalty of 5 l. per month. Landlords, when ordered to remove obstructions, not to be guilty of trespass, &c. Indictments in cases of nusances, &c. may be preferred as before this act passed. Penalty on person offending by emptying rubbish, not to exceed 5 l. Persons emptying rubbish, &c. from one vessel to another, &c. to have proper stages, or port sails. The coal owners shall pay any sum not exceeding 1 d. 2 q. for every chaldron, during 21 years, brought down for them to the river; and in proportion for any greater or less quantities. The fitters not exceeding 2 q. Commissioners impowered to borrow money on the duties. Works erected by this act, becoming ruinous, not to be deemed nusances. Commissioners may make by-laws, &c. to be approved of by the justices; and to be in force till repealed by the commissioners, &c. Saving clause in favour of the bishop of Durham, and of the owners of ferry-boats, &c.

## CAP. XIX.

*An act for the better adjusting and more easy recovery of the wages of certain servants; and for the better regulation of such servants, and of certain apprentices.*

WHEREAS *the laws now in being, for the better regulation of servants, and for the payment of wages to them, and to artificers, handicraftsmen, and labourers, are insufficient and defective:* for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *March*, which will be in the year of our Lord one thousand seven hundred and forty seven, all complaints, differences, and disputes, which shall happen or arise between masters or mistresses, and servants in husbandry, who shall be hired for one year, or longer, or which shall happen or arise between masters and mistresses, and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers employed for any certain time, or in any other manner, shall be heard and determined by one or more justice or justices of the peace of the county, riding, city, liberty, town corporate, or place, where such master or mistress shall inhabit, although no rate or assessment of wages has been made that year by the justices of the peace of the shire, riding, or liberty, or by the mayor, bailiffs, or other head officer, where such complaints shall be made, or where such differences or disputes shall arise; which said justice or justices is and are hereby impowered to examine upon oath, any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, or any other witness or witnesses, touching any such complaint, difference or dispute, and to make such order for payment of so much

Differences between masters and certain servants, to be determined by a justice of peace where the master resides.

Justices to examine servants, &c. upon oath,

and make order for payment of wages

much wages to such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, as to such justice or justices shall seem just and reasonable, provided that the sum in question do not exceed ten pounds with regard to any servant, nor five pounds with regard to any artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer; and in case of refusal or nonpayment of any sums so ordered, by the space of one and twenty days next after such determination, such justice and justices shall and may issue forth his and their warrant to levy the same by distress and sale of the goods and chattels of such master or mistress, or person employing such artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, rendering the overplus to the owners, after payment of the charges of such distress and sale.

due, if under a certain sum.

On nonpayment, to be levied by distress and sale.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for such justice or justices, upon application or complaint made, upon oath, by any master, mistress, or employer, against any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer, touching or concerning any misdemeanor, miscarriage, or ill-behaviour, in such his or her service or employment (which oath such justice or justices is and are hereby impowered to administer) to hear, examine, and determine the same; and to punish the offender by commitment to the house of correction, there to remain and be corrected, and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by abating some part of his or her wages, or by discharging such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer, from his, her, or their service or employment: and in like manner also it shall and may be lawful to and for such justice or justices, upon any complaint or application, upon oath, by any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, against such master, mistress, or employer, touching or concerning any misusage, refusal of necessary provision, cruelty, or other ill-treatment of, to, or towards such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, and to summon such master, mistress, or employer, to appear before such justice or justices, at a reasonable time to be prefixed in such summons; and such justice or justices shall and may examine into the matter of such complaint, whether such master, mistress, or employer shall appear, or not; proof being made, upon oath, of his or her being duly summoned; and upon proof thereof made, upon oath, to his or their satisfaction, to discharge such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, of and from his said service and employment; which discharge shall be given under the hand and seal, or hands and seals, of such justice or justices *gratis*.

Justices to hear masters complaints on oath;

and to punish the offender by commitment, abatement of wages, or dismission.

Justices to hear servant's complaints on oath,

and to summon the master, &c.

and upon satisfactory proof, to discharge the servant.

III. And be it further enacted by the authority aforesaid,

Justices upon complaint of certain apprentices,

That it shall and may be lawful to and for any two or more such justices, upon any complaint or application by any apprentice put out by the parish, or any other apprentice, upon whose binding out no larger a sum than five pounds of lawful *British* money was paid, touching or concerning any misusage, refusal of necessary provision, cruelty, or other ill-treatment of or towards such apprentice, by his or her master or mistress, to summon such master or mistress to appear before such justices at a reasonable time to be named in such summons; and such justices shall and may examine into the matter of such complaint; and upon proof thereof made, upon oath, to their satisfaction (whether the master or mistress be present or not, if service of the summons be also, upon oath, proved) the said justices may discharge such apprentice, by warrant or certificate under their hands and seals; for which warrant or certificate no fees shall be paid.

to summon the master, &c.

and upon satisfactory proof, to discharge the apprentice.

Justices upon complaint of masters against apprentices,

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for such justices, upon application or complaint made, upon oath, by any master or mistress, against any such apprentice, touching or concerning any misdemeanor, miscarriage, or ill-behaviour, in such his or her service (which oath such justices are hereby impowered to administer) to hear, examine, and determine the same, and to punish the offender by commitment to the house of correction, there to remain and be corrected, and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by discharging such apprentice, in manner and form before mentioned.

and proof upon oath,

to punish the offender by commitment, &c.

Persons aggrieved may appeal.

Exception.

V. Provided nevertheless, That if any person or persons shall think himself, herself, or themselves aggrieved by such determination, order, or warrant of such justice or justices as aforesaid (save and except any order of commitment) he, she, or they may appeal to the next general quarter sessions of the peace to be held for the county, riding, liberty, city, town corporate, or place where such determination or order shall be made; which said next general quarter sessions is hereby impowered to hear and finally determine the same, and to give and award such costs to any of the respective persons, appellant or respondent, as the said sessions shall judge reasonable, not exceeding forty shillings; the same to be levied by distress and sale in manner before mentioned.

Costs not to exceed 40 s.

No writ of *Certiorari*.

VI. Provided also, and be it further enacted by the authority aforesaid, That no writ of *Certiorari*, or other process, shall issue or be issuable to remove any proceedings whatsoever, had in pursuance of this act, into any of his Majesty's courts of record at *Westminster*.

Stannaries not included.

27 Geo. 2. c. 6.

VII. Provided always, That nothing in this act contained shall extend to the stannaries in the counties of *Devon* and *Cornwall*.

CAP.

## CAP. XX.

*An act for relief of such of his Majesty's loyal subjects, in that part of* Great Britain *called* Scotland, *whose title deeds and writings were destroyed or carried off by the rebels in the late rebellion.*

WHEREAS *a most audacious and wicked rebellion was lately raised and carried on against his Majesty in favour of a popish pretender, and in prosecution thereof many persons assembled in a traiterous and hostile manner, marched into several parts of this kingdom, took possession of several towns, and raised contributions upon the country, and committed many ravages and devastations upon the estates and effects of his Majesty's faithful subjects, in support of their rebellious insurrection; and in that part of* Great Britain *called* Scotland, *proceeded in a malicious, cruel, and barbarous manner, against several of his Majesty's subjects, who distinguished themselves by their zeal and loyalty to his Majesty's person and government at that critical juncture, by destroying or carrying off the rights and securities of their lands and heretages, and by destroying or carrying off their other writs and evidents, the instructions of the payment, and extinction of the debts and incumbrances, affecting their persons and estates, to the ruin of his Majesty's said loyal subjects, and of their families and posterity, and to the discouragement of the like zeal and loyalty to his Majesty, and his royal successors in future times, unless a proper remedy is provided by authority of parliament*; be it therefore enacted, *&c.*

Persons in Scotland, who continued in their duty to his Majesty, and whose houses were invaded by the rebels, may on or before 1 July, 1750. petition the court of session. The court of session to intimate the same; and summon persons interested. Execution of summons to be recorded. The day of compearance elapsed, the court to take probation of the facts. Petitioner's oath to be taken. Original petitioner dying, the oath of his heir to be admitted. Lords of the session, upon proof of the premisses, to decern the extracts of the charters, &c. to be valid as the originals. Court of session to make up the tenor of the dispositions upon which the petitioner's infeftments proceeded, &c. Extracts of the charters, &c. authorized by the lords of session to be good in law. Persons interested may object to the authorizing the extracts, &c. Claims to his Majesty, or any other persons, preceding 1 August, 1745, against the person or estate of any loyal subjects, whose dwelling-houses were invaded by the rebels, and whose writs were carried off or destroyed, upon which no process has been already commenced, or shall not be brought on or before the 15th of November, 1748, are discharged, unless the claim be proved by the oath of the defendant. Determinations to be recorded. *Amended by* 21 *Geo.* 2. *c.* 17.

## CAP. XXI.

*An act for holding the summer assizes, and sessions of the peace, for the county of* Norfolk, *in the city and county of* Norwich, *until a new shire house can be built for the said county of* Norfolk; *and for building a new shire house on the castle hill in the same county; and for raising money on the said county for that purpose.*

WHEREAS *the shire house of the county of* Norfolk, *late situate on the castle hill in the said county, in which the summer assizes, and general quarter sessions of the peace of and for the said county, have been always holden, and other publick business of the said county transacted, hath, by accident, been lately entirely burnt down: and whereas it is absolutely necessary, that a new shire house should be erected there for the purposes aforesaid; but the same cannot be rebuilt, completed, and finished, against the next summer assizes to be holden for the said county of* Norfolk, *which will be in the year of our Lord one thousand seven hundred and forty seven; and there is no place so convenient for the holding such summer assizes, and the general quarter sessions of the peace, and for transacting other publick business for the said county of* Norfolk, *as the city of* Norwich, *which lies in or near the centre of the said county; but the said city being a county of itself, distinct from the said county of* Norfolk, *the said assizes, or sessions of the peace for the said county of* Norfolk, *cannot, by any law now in being, be held within the said city and county of* Norwich: *and whereas the mayor, sheriffs, citizens, and commonalty of the said city of* Norwich, *in common council assembled, have consented to the holding of the said assizes and sessions within the city and county of* Norwich *aforesaid*; be it therefore enacted, *&c.*

The summer assizes, and sessions of the peace for the county of Norfolk to be held at Norwich. The shire house of Norfolk to be rebuilt, &c. at the county charge. Quarter sessions to contract for building thereof. Money to be raised by a general rate.

## CAP. XXII.

An act for building a bridge cross the river Thames, from the parish of Walton upon Thames in the county of Surrey, to Shepperton in the county of Middlesex.

Samuel Dicker esquire, impowered to build a bridge from Walton to Shepperton. Open passage to be left for the water to pass 212 feet. Burning or destroying the bridge, or taking away, &c. any of the works, felony. Pontage to be paid. For every coach, or other vehicle, drawn by 6 horses, 2 s. by 4 horses 1 s. 6 d. by less than 4 horses, 1 s. For every waggon, cart, or carriage drawn by 4 horses or oxen, 1 s. 6 d. and by less than four, 1 s. For every horse, &c. not drawing, 1 d. For every foot passenger, 2 q. For every drove of neat cattle, 12 d. per score. For every drove of calves, hogs, sheep, or lambs, 6 d. per score. Tolls vested in Mr. Dicker, to be paid but once a day. Owners names to be set on the outside of every vessel, and the name of the town and parish where he belongs. The bridge to be deemed extraparochial. Surrey and Middlesex exempted from repairing the bridge. Rights of the mayor and city of London saved.

CAP.

## CAP. XXIII.

An act for repairing the road leading from Cirencester, in the county of Gloucester, to Birdlip's Hill, in the said county.

*Certain tolls granted for 21 years.*

## CAP. XXIV.

*An act for the better securing the payment of shares of prizes taken from the enemy, to the royal hospital at* Greenwich; *and for preventing the embezzlement of goods and stores belonging to the said hospital.*

WHEREAS *by an act made in thirteenth year of his present Majesty's reign, intituled,* An act for the more effectual securing and encouraging the trade of his Majesty's *British* subjects in *America*; and for the encouragement of seamen to enter into his Majesty's service, *the sole interest and property of and in all and every ship, vessel, goods, and merchandizes taken from the* Spaniards *is given to the flag officers, commanders, and other officers, seamen, marines, and soldiers on board every ship and vessel of war in his Majesty's pay, and privateer; (being first adjudged lawful prize in any of his Majesty's courts of admiralty in* Great Britain, *or in his plantations in* America, *or elsewhere) and divers rules and regulations are therein established for the adjudication and condemnation of prizes taken from the* Spaniards; *and by the said act a bounty is given to the officers, seamen, marines, soldiers, or others, that shall have been actually on board such of his Majesty's ship or ships of war, or privateer or privateers, in any action where any ship or ships of war, or privateer, shall be taken from the enemy, sunk, burnt, or otherwise destroyed: and whereas by an act made in the seventeenth year of his said present Majesty's reign, intituled,* An act for the better encouragement of seamen in his Majesty's service, and privateers, to annoy the enemy; *it was found necessary, that the same encouragement should be given for the captors of* French *ships, vessels, goods, and merchandizes, and the same rules and regulations should be observed in the adjudication and condemnation of prizes taken from the* French: *and to the end that his Majesty's most gracious intentions might have full force and effect, and for the better carrying on the said war against* France *with vigour, and for the encouragement of the officers and seamen of his Majesty's ships of war, and the officers and seamen of all other* British *ships and vessels, having commissions, or letters of marque; and for inducing all* British *seamen, who might be in any foreign service, to return into this kingdom, and become serviceable to his Majesty; and for the more effectual securing and extending the trade of his Majesty's subjects, it was enacted, That the flag officers, commanders, and other officers, seamen, marines, and soldiers on board every ship and vessel of war in his Majesty's pay, should have the sole interest and property of and in all and every ship, vessel, goods, and merchandizes, which they had taken on or since the twenty ninth day of* March, *in the year of our Lord one thousand seven hundred and forty four, or should thereafter*

13 Geo. 2. c. 4.

17 Geo. 2. c. 34.

*take (being first adjudged lawful prize in any of his Majesty courts of admiralty in* Great Britain, *or his plantations in* America, *or elsewhere) to be divided in such proportions, and after such manner, as his Majesty, by his declaration bearing date the twenty ninth day of* March, *one thousand seven hundred and forty four, had ordered and directed, or in such proportions, and after such manner, as his Majesty, his heirs and successors, should think fit to order and direct by proclamation or proclamations thereafter to be issued for that purpose; and by the said act a bounty is likewise given to the officers, seamen, marines, soldiers, or others, that shall have been actually on board such of his Majesty's ship or ships of war, or privateer or privateers, in any action where any ship or ships of war, or privateers, should be taken from the enemy, sunk, burnt, or otherwise destroyed: and it was further enacted, That after the sale or sales of such prize or prizes as should be taken from the enemy by any of his Majesty's ships of war, publick notification should be given by the persons or agents appointed as thereby is directed, of the day appointed for the payment of the several shares of the captors aforesaid; after which publick notification, if any mens shares should remain in the hands of the persons or agents appointed as aforesaid, either belonging to such men as should be run from his Majesty's service, or which should not be legally demanded within three years; then such share or shares so remaining in the persons or agents hands, or belonging to such men as should run from his Majesty's service, should go and be paid to the use of* Greenwich Hospital: *and whereas by the above recited act of the thirteenth year of his present Majesty, the shares of prizes belonging to run-men are not expresly granted to* Greenwich Hospital, *whereby the said hospital loseth the benefit of all such shares of run-men, of and in all prizes taken from the* Spaniards, *on or since the fourth day of* January, *in the year of our Lord one thousand seven hundred and thirty nine, in* Europe; *and on or since the twenty fourth day of* June, *in the year of our Lord one thousand seven hundred and forty, in any other part of the world; and some doubt may arise whether the shares of prizes belonging to men running from their ships, after adjudication and condemnation of such prizes, shall be forfeited by the said clause in the said last recited act:* for remedy whereof, and to the intent that all and every the shares of prizes belonging to run-men, as well after as before adjudication and condemnation, and as well those taken from his Majesty's enemies, on or since the fourth day of *January*, in the year of our Lord one thousand seven hundred and thirty nine, in *Europe*, and on or since the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty, in any other part of the world, as those taken on or since the twenty ninth day of *March*, one thousand seven hundred and forty four, may be given, and go to, and be paid to the use of *Greenwich Hospital* aforesaid; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person or persons who, on the fourth day of *January*, in the year of Lord one thousand seven hundred and thirty nine, or

Persons serving on board the fleet, &c. since 4 Jan. 1739.

or at any time since did belong, or now does or do belong, or at any time hereafter shall belong, to any of his Majesty's ships or vessels of war, or to any merchant ship employed in his Majesty's service, and hath or have, at any time heretofore, or shall at any time hereafter, run away, or withdraw him or themselves from the ship or vessel by which any prize or prizes shall be taken from any of his Majesty's enemies, or otherwise from his Majesty's service, before or after notification shall be given by the persons or agents appointed as aforesaid, of the day appointed for the payment of the several shares to the captors of the said prize or prizes, shall have, or be intitled to have or claim any interest in, or benefit of the said share or shares of the said prize or prizes, or the bounty-money aforesaid, or any part thereof; but such share and shares of such prize and prizes, and bounty-money, shall go and be paid to the use of *Greenwich Hospital.*

who shall quit their ships,

to forfeit their claim,

to the use of Greenwich Hospital.

II. Provided always, That if any person or persons shall or do run away, or withdraw him or themselves from any such ship or vessel as aforesaid, after notification given as aforesaid, he or they shall only forfeit and lose such part of his and their share and shares of the said prize and prizes, and bounty-money, as shall be remaining in the said agent or agents hands, at the time of his and their running away, or withdrawing him or themselves; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Share of the Prize money in the agents hands to be only forfeited.

III. *And as several persons may have bought the shares of prizes of run-men, for a consideration a great deal under the real value thereof, which hath much encouraged seamen to quit and leave their ships, and his Majesty's service*; be it enacted by the authority aforesaid, That the vendee or vendees, assignee or assigns of such share and shares, and bounty-money, or either of them, as is and are, or shall be, on or before the first day of *June*, in the year of our Lord one thousand seven hundred and forty seven, *bona fide* actually bought and assigned, shall, on the payments of the same, be allowed the full consideration-money, he and they really and *bona fide* gave for the same, and interest after the rate of five pounds *per centum*, which shall have accrued due from the day of the payment of the said consideration-money, to the time or times of payment of such share and shares, and bounty money, according to the direction of this act, or the several acts herein recited, or any of them, and no more; and that the surplus of the said share and shares, and bounty-money, in the said agents hands, after the real consideration and interest for the same shall have been paid and satisfied, shall be paid to the treasurer of the said royal hospital at *Greenwich*, or his deputy or agent, for the use of the same; and for the better ascertaining the whole and true sum of the consideration-money *bona fide* paid, the vendee or assignee of every such share of run-men now actually bought, if living, and if dead, then his and their respective representative and representatives to the best of their knowledge and belief, shall make an affidavit

Persons who bought the shares of prizes of run-men,

on or before 1 June, 1747, to be allowed the consideration-money, and interest, at 5 l. *per cent.*

the surplus of such shares, &c. to be paid to the treasurer of Greenwich Hospital.

Affidavit to be made of the sum of consideration money paid;

affidavit before some or one of the judges of the courts of *King's Bench*, or *Common Pleas*, at *Westminster*, or before some or one of the barons of the *Exchequer*, or some commissioner of the same courts in the country in *Great Britain*, and in any other parts of his Majesty dominions, before some or one of the judges of the courts of law or equity there, or before some other person or persons authorized by those courts to take affidavits, of the real consideration-money paid for the said share or shares, and of the true and real days and times of the execution of such assignments by the assigners thereof, and which affidavits so sworn and taken, shall be filed in the said courts where sworn; and all persons who shall wilfully and corruptly swear falsly in such affidavits, shall be guilty of, and tried, and punished as for wilful and corrupt perjury; and that no bill of sale or assignment now made and executed, or which shall be made and executed on or before the said first day of *June*, of the share and shares of any prize or bounty-money to which such persons as aforesaid are or shall, before the said first day of *June*, be intitled, shall be deemed good and valid in law or equity, wherein the true or real sum and sums of money given and paid for such share and shares to the said captor or captors, vendor or vendors thereof, hath or have not been, or shall not be inserted in the said bill of sale or assignment before the execution thereof, and proved on oath in manner aforesaid.

and the time of executing the assignments.

Penalty on making false affidavits,

No bill of sale &c. to be valid, where the consideration-money is not inserted, and attested on oath.

IV. And for the future preventing such impositions on seamen, marines, and soldiers, and thereby encouraging them to quit and leave their ships, and his Majesty's service; and for better encouragement of seamen, marines, and soldiers to continue in his Majesty's service, be it further enacted, That all and every bargain, sale, bill of sale, contract, agreement, and assignment whatsoever, of, for, or concerning any share or shares of any prize or prizes taken or to be taken from any of his Majesty's enemies, by any of his Majesty's ships or vessels of war, or by any merchant ship employed in his Majesty's service, or having letters of marque, or of, for, or concerning any share or shares of any bounty-money given in and by the said recited acts, where any ship or ships of war or privateers belonging to his Majesty's enemies should be taken, sunk, burnt, or otherwise destroyed, which shall at any time after the said first day of *June*, be made or entered into, shall be, and is and are hereby declared to be void and of none effect, to all intents and purposes whatsoever; any law, statute, custom, or usage, to the contrary thereof in any wise notwithstanding.

Bills of sale, &c. of prizes, made after 1 June, 1747, to be void.

V. And the said persons, or agents for prizes, appointed as by the said recited acts are directed, are hereby respectively authorized, directed, and required to pay, or cause to be paid to all such seamen, marines, and soldiers, as shall appear in person, or in their absence to their lawful attornies, impowered by them respectively, in the manner as is herein after directed, or to the executors or administrators of such seamen, marines, and soldiers, or their respective attorney or attornies, duly authorized

Agents to pay the captors, &c. their shares, &c. without regard to bills of sale, &c.

ed in such manner as is herein after directed, the respective share or shares of such prize or prizes, and bounty-money as aforesaid, respectively due to them, without regard to any bargain, sale, bill of sale, contract, agreement, or assignment whatsoever, hereafter to be made of, for, or concerning the same.

VI. And be it further enacted, That no letter of attorney, from and after the said first day of *June*, made by any seaman, marine, or soldier, belonging to any of his Majesty's ships or vessels of war, or to any merchant ship in his Majesty's service, or otherwise in the service of his Majesty, his heirs or successors, or having letters of marque, or belonging to any privateer, or by the executors or administrators of any such seaman, marine, or soldier, in order to impower and intitle any person or persons to receive any share or shares of any prize or prizes, or bounty-money as aforesaid, of any kind whatsoever now due, or at any time hereafter to grow due to any seaman, marine, or soldier, shall be good and valid, and sufficient for that purpose, unless such letter of attorney be made revokable, and for the use of such seaman, marine, or soldier making the same, and unless the same be signed and executed before, and attested by the captain or commander, and one other of the warrant or signing officers of the ship to which such seaman, marine, or soldier making the same shall belong, or the clerk of the cheque of one of his Majesty's dock-yards, or the mayor or chief magistrate of some corporation.

After 1 June, 1747, letters of attorney to be made revocable.

and attested by the captain, &c.

VII. *And whereas neither by the said recited act of the thirteenth year of his present Majesty's reign, nor by the said act passed in the said seventeenth year of his said Majesty, any sufficient provision is made to oblige such agents, or other persons, to discover and duly account for the money remaining in their hands, due or to become due and payable to the said hospital:* now, for the better and more effectual preserving and securing all such interest and shares of the said prizes, given and granted by the above recited acts, or either of them, and hereby given and granted to and for the use of the said hospital, and for the more certain collecting and receiving the same; be it enacted by the authority aforesaid, That all and every person and persons, agent and agents, and others, who have sold and disposed of, or shall hereafter sell or otherwise dispose of, any prize or prizes so taken as aforesaid, or which hereafter shall be so taken from any of his Majesty's enemies, shall, within the space of three calendar months next after the day to be appointed for the first payment or distribution to the captors of such prize or prizes, made in pursuance of such publick notification, make out and transmit, or deliver unto the treasurer of the said royal hospital at *Greenwich* for the time being, or to such person or persons as he shall for that purpose depute or appoint, a true state and account in writing, under the hand or hands of such agent or agents, or person or persons so employed, of the produce of all such prize and prizes as aforesaid, together with an account of the payments of the several shares of the captors, as shall then have been really and

Agents, &c. to transmit an account to the treasurer of Greenwich Hospital, within 3 months after the first payment, of the produce of the prizes;

and of the payments of the shares.

*bona* Portions ap-

pointed to receive bills for bounty, to transmit a like account.

*bona fide* by him or them respectively paid; and also that all and every person and persons authorized and appointed by the said acts, or this present act, to receive bills for the bounty granted by the said recited acts, shall, within the like space of three calendar months next after the day appointed for the first payment or distribution of such bills for the bounty as aforesaid, in like manner make out and transmit, or deliver to the treasurer for the time being of the said hospital, or to his sufficient deputy, a true state and account in writing, under his or their hand or hands, of the payment and distribution of such bills; and further, that all and every person and persons, agents, and others, that by virtue of the said acts hath or have sold and disposed of, or that shall hereafter sell or dispose of any prize or prizes taken from the enemy, or which shall at any time or times hereafter be taken from the said enemy by any of his Majesty's ships or vessels of war, or that shall receive or dispose of any bill or bills for bounty, such person and persons, agents, and others, so selling and disposing thereof, shall, within the space of three calendar months next after the expiration of the term of three years limited by the said acts, make out an exact account in writing, of the produce of such prize and prizes, bill and bills for bounty, as also of the payments of the several shares to the respective captors, together with a true and just account, upon oath, to be taken before the treasurer of the said hospital for the time being, or any other person or persons by him for that purpose deputed and authorized in writing, under his hand and seal (which oath the said treasurer of the said hospital, and his sufficient deputy and deputies authorized as aforesaid, is and are hereby authorized and impowered to administer) of all sum and sums of money as shall be then remaining in such agent or agents, or persons custody, power, or possession; and shall at the same time deliver, or cause to be delivered, to the treasurer of the said hospital for the time being, or to his sufficient deputy or agent, the said accounts so attested upon oath as aforesaid, together with all such remaining sum and sums of money, then so left and remaining in his or their hands as aforesaid, taking from the said treasurer, or his proper deputy or agent, his or their acquittance or acquittances for the same.

Agents, &c. within 3 months after the expiration of the 3 years limited, to make out an account of the produce of prizes, and payments of shares;

and to deliver the same, with the sums remaining in their hands, to the treasurer of Greenwich Hospital, &c.

under penalty of 100 l.

VIII. And be it further enacted, That all and every the person and persons hereby directed to transmit or deliver all or any the accounts before mentioned, who shall neglect or refuse to transmit or deliver all or any such account or accounts to the treasurer of the said hospital, or his said deputy or agent, within the times before limited and appointed, in manner and form as is herein before mentioned, or who shall neglect or refuse to pay over all and every such sum and sums of money as shall remain in his or their hand or hands, power, custody, or possession, after the term of three years, to be accounted as aforesaid, shall, for every such offence, forfeit the sum of one hundred pounds, over and above the money then in such agents hands; one third part whereof shall belong to his Majesty, and the remaining

Disposal of the forfeitures.

ing two thirds to the said royal hospital; to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record; in which no essoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed.

IX. And be it further enacted, That if any fraud, collusion, or deceit shall be wittingly or willingly made, used, committed, permitted, done, or suffered, in making, stating, or ballancing any such accounts; then every person or persons who shall be thereof duly convicted, and his and their aiders and abetters, shall forfeit and pay, for every such offence, over and above the penalties and punishments inflicted by this, or any other or former law, the sum of one hundred pounds; one third part whereof to be to the use of his Majesty, and one other third to the use of the said hospital, and the other third to the informer who shall sue for the same; to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any court of record; in which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

Persons convicted of making false accounts, to forfeit 100l.

Disposal of the forfeiture.

X. *And whereas by the above recited acts made in the thirteenth and seventeenth years of his said present Majesty's reign respectively, as a further encouragement of the officers, seamen, marines, soldiers, and others on board any of his Majesty's ships of war, as also of privateers, to attack, take, and destroy any ships of force belonging to the enemy, it was enacted, That there should be paid by the treasurer of his Majesty's navy, upon bills to be made forth by the commissioners of the navy, to be paid according to the course thereof, without fee or reward, unto the officers, seamen, marines, soldiers, or others, that should have been actually on board such of his Majesty's ships of war, or privateer or privateers, in any action where any ship or ships of war, or privateers, should have been taken from the enemy, sunk, burnt, or otherwise destroyed, five pounds for every man which was living on board any ship or ships so taken, sunk, burnt, or otherwise destroyed, at the beginning of the engagement between them, the numbers of such men to be proved by the oaths of three or more of the chief officers or men, which were belonging to the said ship or ships of war, or privateers of the enemy, or belonging to any of them at the time of her or their being taken as prize, sunk, burnt, or otherwise destroyed, before the mayor, or other chief magistrate of the port within any of his Majesty's dominions, whereunto any prize, or officers, or men of such ships as were sunk, burnt, or otherwise destroyed, should be brought, or before the* British *consul, or vice consul, residing at any neutral port, to which such prize, or officers, or men should be brought, which oaths the said mayor, or other chief magistrate of any such port, or consul, or vice consul, were thereby impowered and required to administer, and should forthwith grant a certificate thereof, without fee or reward, directed to the commissioners of the navy, upon producing which certificate to the commissioners of his Majesty's navy, together with an authentick copy of the condemnation of such ship so taken, or if such ship be sunk, burnt, or otherwise destroyed, on producing only a certificate from the mayor, or other chief magistrate, or consul,*

13 Geo. 2. c. 4. s. 15. 17 Geo. 2. c. 34. s. 18.

*consul, or vice consul, as aforesaid, the said commissioners of his Majesty's navy, or such person or persons as they should appoint for that purpose, should according to the course of the navy, within fifteen days make out bills for the amount of such bounty, directed to the treasurer of the navy, payable to, and to be divided amongst the officers, seamen, marines, and soldiers on board his Majesty's ships of war, in manner, form, and proportion, as by his Majesty's proclamation to be issued for that purpose, should be directed and appointed; and amongst the owners, officers, and seamen of any private vessel, or ship of war, in such manner and proportion, as by an agreement in writing they should have entered into for that purpose, should be directed: and whereas some doubt has arisen, whether such oaths, relating to the said bounty-money, and the certificate thereon granted, could be administered and granted by any mayor or chief magistrate, consul, or vice consul, of any port, other than the first port to which such prize or prizes, or officers or men should be first brought; and it has sometimes happened, that such oath and certificate could not be administered and granted at the first port where such prize or prizes, or officers or men have been brought, whereby the officers, seamen, marines, and soldiers of his Majesty's ships and vessels of war, privateer and privateers, by which the ships of his Majesty's enemies have been taken, burnt, sunk, or otherwise destroyed, have been totally deprived of the benefit of the said bounty-money*: for remedy whereof, be it enacted by the authority aforesaid, That in all such cases, where such oath and certificate could not, or hereafter cannot be administred and granted at the said first port, such oath or oaths relating to any prize or prizes taken, or to be taken, or to any ships of his Majesty's enemies sunk, burnt, or otherwise destroyed, or hereafter to be sunk, burnt, or otherwise destroyed, shall and may be administered and taken by and before the mayor or other chief magistrate of any port within any of of his Majesty's dominions, or by or before the *British* consul, or vice consul, residing at any neutral port, whereunto any prize or prizes, or officers or men of any ships belonging to his Majesty's enemies, as have been, or shall be taken, sunk, burnt, or otherwise destroyed, shall at any time hereafter be brought (proof being first made by affidavit before such person or persons, of the inability of making such oath or oaths, and obtaining such certificate, at the said first port) and the mayor, or other chief magistrate, consul, or vice consul, shall thereupon grant such certificate and certificates, as by the said recited acts are directed; which certificate and certificates shall be good and effectual to all intents and purposes, as if the same were granted by the mayor, or chief magistrate, consul, or vice consul, of the port to which such prize or prizes, officers or men as aforesaid, have been or shall be first brought; any thing in the said recited acts to the contrary thereof in any wise notwithstanding.

Where an oath and certificate cannot be granted at the first port, they may be taken before the magistrate of any other.

Proof to be made of their inability of making the oath, &c. in the first port. Certificate to be granted thereon.

18 Geo. 2. c. 31. s. 6, 7.

XI. *And whereas by an act passed in the eighteenth year of his present Majesty's reign, it was enacted, That all and every person and persons*

*persons who since the commencement of the present war against* Spain, *had, or had been, or then were, or thereafter should be, appointed agent or agents for any prize or prizes taken by any ship or ships of war belonging to his Majesty, or for receiving the said bounty-money, and which prize or prizes had been or should be condemned in the high court of admiralty of* England, *should exhibit, and cause to be registered in the said high court of admiralty, his or their respective letter or letters of attorney, appointing him or them agent or agents (who had not already done the same) and if any person or persons, so as aforesaid appointed agent or agents (who had not already done the same) should refuse or neglect so to do on or before the first day of* August, *one thousand seven hundred and forty five; or if any person or persons thereafter to be appointed agent or agents for the purposes aforesaid, should refuse or neglect to exhibit, and cause to be registered in the said high court of admiralty, his or their respective letter or letters of attorney, appointing him or them agent or agents as aforesaid, for the space of six calendar months after sentence of condemnation of any prize should be given in the said high court of admiralty, for the care and distribution of which he or they shall be appointed agent or agents; such person or persons so refusing or neglecting, shall forfeit the sum of five hundred pounds, to be recovered by him or them who shall sue for the same, by action of debt, plaint, or information, in any court of record in* Great Britain, *in which no essoin, protection, or wager of law, or more than one imparlance, should be allowed: and whereas the last above recited clause does not extend the benefit of this registry, or require the agents of prizes in his Majesty's plantations in* America, *or elsewhere, to exhibit, and cause to be registered, their letters of attorney in the courts of admiralty there, as is done here in* England; *by which means the said royal hospital does not receive the whole benefit accruing to it from prizes, nor is the purpose of making such letters of attorney evidence of the agency of such person or persons, to whom the same is made, in his Majesty's courts of record, thereby fully answered*; be it therefore further enacted by the authority aforesaid, That all and every person and persons, who since the commencement of the present war against *Spain* and *France* respectively, has or have been, or now is or are, or hereafter shall be, appointed agent or agents for any prize or prizes taken by any ship or ships, vessel or vessels of war, or by any merchant ship or ships employed in his Majesty's service, or having letters of marque, or for receiving the bounty-money by the said recited acts granted, and which prize or prizes hath or have been, or hereafter shall be condemned in the high court of admiralty in *Great Britain*, or in any of the courts of admiralty in any of his Majesty's plantations in *America*, or in any other of his Majesty's dominions, or elsewhere, shall exhibit, and cause to be registered in the high court of admiralty in *Great Britain*, or in the respective courts of admiralty in *America*, or in any other of his Majesty's dominions, or elsewhere, where the said prize and prizes, and every of them, hath or have been, or shall be condemned, appointing him or them agent or agents for the purposes aforesaid,

Agents to register their letters of attorney in the court of admiralty in Great Britain, before 1 Aug. 1747.

and in America, &c. before 1 Oct. 1747, or where the prizes shall be condemned,

said, unless he or they have respectively done the same; and if any person or persons, so as aforesaid appointed agent or agents (who have not already done the same) shall refuse or neglect so to do, on or before the first day of *August*, one thousand seven hundred and forty seven, in *Great Britain*, and on or before the first day of *October*, one thousand seven hundred and forty seven, in *America*, or other his Majesty's dominions; or if any person or persons, hereafter to be appointed agent or agents for the purposes aforesaid, shall refuse or neglect to exhibit, and cause to be registered in any of the courts of admiralty aforesaid, his or their respective letter or letters of attorney, appointing him or them agent or agents as aforesaid, for the space of six calendar months after sentence of condemnation of any prize or prizes shall be given in any of the said courts of admiralty, for the care and distribution of which he or they shall be appointed agent or agents; such person or persons, agent or agents, refusing or neglecting, shall forfeit the sum of five hundred pounds; to be recovered by him or them who will sue for the same, by action of debt, bill, plaint, or information, in any court of record in *Great Britain*, *America*, or in any other of his Majesty's dominions, or elsewhere; in which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

within six months after condemnation;

under penalty of 500l.

Agents appointed after condemnation of a prize, to register their letters of attorney within six months, &c.

XII. Provided always, That if any agent or agents shall be appointed after the time any sentence of condemnation in any of the said courts of admiralty shall be given, such agent or agents shall, under the aforesaid penalty, register, or cause to be registered, in manner aforesaid, his or their respective letter or letters of attorney, appointing him or them agent or agents as aforesaid, within the space of six calendar months after the date of his or their said letter or letters of attorney.

Registers in the courts of admiralty in America, &c. shall yearly transcribe all letters of attorney registered in such courts, &c. and transmit the same to the treasurer of Greenwich Hospital;

XIII. And be it further enacted by the authority aforesaid, That the register or registers of all and every the court and courts of admiralty in any of his Majesty's plantations in *America*, or elsewhere, in any other of his Majesty's dominions, shall, yearly and every year upon the twenty third day of *October*, or within three calendar months next after the same, make out and transcribe true copies of all and every such letter and letters of attorney, as shall be so registered in the said court or courts, to which the judge and judges of the said court and courts shall affix his and their seal of office; and then the said register and registers shall transmit the same to the treasurer of the said royal hospital at *Greenwich*, to be there registered, and to be inspected by any person *gratis*; the charges of which copies, and affixing the seal or seals thereto, and transmitting the same to the treasurer of the said hospital, shall be paid by the said agent or agents, at the time of making such registry as aforesaid; and in case such register or registers shall neglect or refuse to transcribe and transmit such copy and copies of the said letter and letters of attorney, in manner aforesaid (any ship or ships in that time sailing from such port or place, to any port or ports in

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*Great Britain)* such register and registers so neglecting or refusing, shall forfeit the sum of five hundred pounds, to be recovered by him or them who will sue for the same, by action of debt, bill, plaint, or information, in any court of record in *Great Britain* or *America*, or in any other of his Majesty's dominions, or elsewhere; in which no essoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed.

Penalty 500l.

XIV. And for the more effectual making such letters of attorney evidence of the agency of the person or persons to whom the same are made, be it further enacted by the authority aforesaid, That true copies of such letter and letters of attorney, and of transcripts, under seal, transmitted by the said register or registers of the court and courts of admiralty of his Majesty's plantations in *America*, and elsewhere within his Majesty's dominions, and registered by the said treasurer of *Greenwich Hospital*, shall, from time to time, and at all times hereafter, be good and sufficient evidence of the agency of the person or persons to whom such letter of attorney is or shall be made, and from time to time, and at all times hereafter shall be admitted, without further or other proof thereof, to be legal evidence in all his Majesty courts of record of law or equity; any law, custom, or usage to the contrary thereof in any wise notwithstanding.

Copies of the letters of attorney, &c. good evidence.

XV. *And whereas several of the agents for prizes have, since the twenty ninth day of* March, *one thousand seven hundred and forty four, been vexatiously sued by persons who have been made run in the lists of the names of the officers, seamen, marines, soldiers, or others who were actually on board such of his Majesty's ships or vessels of war, at the taking of such prize or prizes, and which said lists were duly certified after the condemnation of such prize or prizes, and transmitted to the said agents, though the plaintiffs in such suits knew, that by the several acts of parliament herein before recited, and passed in the thirteenth and seventeenth years of his present Majesty, their respective shares of such prizes were forfeited by their running away from the service, and granted to the use of* Greenwich Hospital, *and that the said agents are but the receivers thereof, and have the care and custody of the monies arising by such shares, to and for the benefit of the said hospital, till the end of three years limited by the said acts, and within three calendar months after the expiration of which three years the said agents are obliged by the said acts to account for, and pay over the same to the use of the said hospital, under certain penalties in the said acts contained; which said run-men very often commence these suits before all the times appointed for the payment of the said shares are expired, and being generally paupers, they often discontinue the said suits, and abscond, whereby the said agents are put to great costs in the defence of the same, and have no means of recovering the same, and therefore deduct such costs out of the monies arising from such shares, remaining in their hands, at the time of their accounting with, and paying it to the treasurer of the said hospital, or his deputy, who are not authorized by the said acts to allow the same; nor can the governor and directors of the said*

*said hospital enter into the defence of the said suits, whilst the said monies remain in the said agents hands, till it becomes payable to the said hospital, according to the directions of the said acts*; be it therefore enacted by the authority aforesaid, That no agent or agents shall be liable to be sued, impleaded, or arrested, by any person or persons who shall hereafter be made run from his Majesty's service, in the said lists transmitted to them of the names of the officers, seamen, marines, soldiers, or others intitled to such shares, till the end of three months next after the expiration of three years, limited by the acts aforesaid, unless the person or persons so made run, shall obtain a certificate, before any action brought, from the commissioners of his Majesty's navy, who subscribed and transmitted the said lists, the said agent or agents, or some of them, or their proper officer or officers, that the *R* or *R's* are taken off, and the forfeitures of such share or shares discharged, and the said agent or agents, on the producing such certificate or certificates, shall refuse to pay the same, in case the same be due and payable, according to the directions in his Majesty's said declaration, within two months after demand made on such certificate.

Agents not liable to be sued by persons made run.

till 3 months after the 3 years limited, unless certificates be first obtained of the R's being taken off, &c.

XVI. *And whereas several of the common pensioners and nurses in the said royal hospital of late have pawned or otherwise disposed of the wearing clothes, linen, and other goods delivered to them to wear and use, during their being pensioners or nurses of the said hospital, and continuing therein, and put the said hospital to great charge in redeeming or purchasing the same, and are much encouraged by pawnbrokers and other ill-disposed persons, for lucre's sake, so to do, though they know the person or persons who pawn or sell such clothes and linen, by the colour, make, and marks of and in the said clothes and linen, have no absolute or legal interest or property in the same; and that the said pensioners and nurses do often desert and run away from the said hospital, and carry away their clothes and linen with them:* therefore for preventing such practices for the future, be it enacted by the authority aforesaid, That if any pawnbroker or other person or persons shall take to pawn, buy, exchange, or receive, any clothes, linen, or other goods or stores belonging to his Majesty, his heirs or successors, or to the governor and directors of the said hospital, appropriated to and for the wear of the said pensioners or nurses during their continuance in the said hospital, or belonging thereto, and to the use of the said hospital, from any of the said pensioners, nurses, or other person or persons upon any account or pretence whatsoever, or cause the colour of such clothes, linen, or goods to be changed, or the marks thereon to be taken out or defaced, the person or persons so offending shall forfeit for every such offence the sum of five pounds upon conviction thereof, by the oath of one or more credible witness or witnesses, before any of his Majesty's justices of the peace of the county wherein the said offence or offences shall be committed; which penalty or penalties of five pounds shall be levied by warrant under the hand and seal, or hands and seals of the said justice or justices of the peace, by distress

Persons taking to pawn clothes, &c. belonging to the hospital.

or changing the colour, or marks, to forfeit 5 l.

distress and sale of the goods and chattels of the said offender or offenders; one moiety of which said penalty or penalties shall be paid to the informer or informers, and the other moiety shall go and be paid to the use of the said hospital; and in case any such offender or offenders, who shall be convicted as aforesaid, of having bought, exchanged, received, or taken in pawn any such clothes, linen, or other goods or stores as aforesaid, or of having caused the colour of such clothes, linen, or goods to be changed, contrary to the intent of this act, shall not have sufficient goods and chattels, whereon distress may be made, to the value of the penalty or penalties recovered against him, her, or them, for such offence or offences, or shall not pay such penalty or penalties within four days after such conviction, then, and in such case, such justice of the peace shall and may, by warrant under his hand and seal, either commit such offender or offenders to the common gaol of the county where such offence or offences shall be committed, there to remain without bail or mainprize for the space of three months, or cause such offender or offenders to be publickly whipt, at the discretion of such justice; and that if any pensioner, or nurse of the said hospital, shall desert or run away from the same, and carry away with them any clothes, linen, stores, or goods delivered to him, her, or them, to wear and use, whilst they, or any of them, was or were pensioners or nurses of or belonging to the said hospital, or any other clothes, goods, or stores belonging thereto; such person or persons being lawfully convicted thereof, by the oath or oaths of one or more credible witness or witnesses, shall be committed to the common gaol or house of correction, where he, she, or they shall be apprehended, for the space of six months, without bail or mainprize.

to be levied by distress and sale.

Disposal of the forfeiture.

For want of distress offender to be committed for 3 months;

or to be publickly whipt.

Pensioners or nurses going off with the hospital clothes, &c. to be committed for six months.

XVII. And be it further enacted by the authority aforesaid, That if at any time or times hereafter, any person or persons shall be sued for any matter or thing done in the execution of this act, or if the governor, master, lieutenant governor, directors, captains, or any other officers of the said royal hospital at *Greenwich*, commonly called the officers of the house, who now are, or at any time hereafter shall be concerned in the government of the said hospital or house, or any steward, minister, servant, or agent, employed or to be employed by the governor, master, lieutenant governor, or directors, in collecting or receiving the rents and revenues of the said house, or in any other matter or thing relating to the said house, or any or either of them, shall be sued for any matter or thing done in the execution of this act, or in any wise relating to the said hospital or house, such governor, master, lieutenant governor, directors, captains, and officers of the said house, and their stewards, ministers, servants, and agents, and each and every of them, shall and may plead the general issue, and give the special matter in evidence; and if upon trial the plaintiff or plaintiffs shall become nonsuit, or if a verdict shall be given against him or them, the defendant or defendants shall recover treble his and their costs

Persons sued on this act, &c.

to plead the general issue.

Treble costs.

costs of suit, and may levy the same by execution, to be awarded out of the court, where such action or actions shall be brought.

## CAP. XXV.

An act for repairing the high road leading from the town of Stockton upon Tees, to Darlington, and from thence through Winston to Barnard Castle, in the same county.

*Certain tolls granted for 21 years. Enlarged by 22 Geo. 2. c. 51.*

## CAP. XXVI.

An act for reviving and continuing an act passed in the sixth year of the reign of his late majesty King George the First, intituled, *An act for laying a duty of two penny Scots, or one sixth part of a penny sterling, upon every Scots pint of beer or ale vended or sold within the town of Bruntisland, and liberties thereof for increasing the publick revenue of the said town, and for other purposes therein mentioned.*

*The act 6 Geo. 2. c. 8. revived and continued for 31 years.*

## CAP. XXVII.

An act for founding and building a chapel in Wednesfield, in the parish of Wolverhampton, in the county of Stafford.

## CAP. XXVIII.

An act for repairing the road leading from Catherick Bridge in the county of York, to Yarm in the said county; and from thence to Stockton in the county of Durham; and from thence through Sedgefield, in the said county of Durham, to the city of Durham.

*Certain tolls granted for 21 years.*

## CAP. XXIX.

An act to confirm an agreement made by the rector and vestrymen of the parish of Saint James within the liberty of Westminster, for enlarging the churchyard of the said parish, and for other purposes therein mentioned.

## CAP. XXX.

*An act for allowing persons impeached of high treason, whereby any corruption of blood may be made, or for misprision of such treason, to make their full defence by council.*

WHEREAS *it is thought reasonable, that persons impeached by the house of commons of high treason, whereby any corruption of blood is made, or for misprision of such treason, should have the same benefit and advantage in making their defence, as they may have on indictments, or other prosecutions:* the commons therefore humbly pray your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *June*, in the year of our Lord one thousand seven hundred and forty seven, all and every person and persons whatsoever, who shall be impeached by the commons of *Great Britain* of any high treason, whereby any corruption of blood may or shall be made to

Council allowed to persons impeached of high treason by the commons.

to any such offender or offenders, or to any the heir or heirs of any such offender or offenders, or for misprision of such treason, shall be received and admitted to make his or their full defence by council learned in the law, not exceeding two council, who shall be assigned for that purpose, on the application of the party or parties impeached, at any time after the articles of impeachment shall be exhibited by the commons.

## CAP. XXXI.

An act for continuing the term and enlarging the powers granted by an act passed in the twelfth year of his late Majesty's reign, intituled, *An act for repairing and widening the roads from the city of Gloucester to the city of Hereford*; and for repairing other roads in the county of Gloucester.

*The act* 12 *Geo.* 1. *c.* 13. *continued for* 21 *years.*

## CAP. XXXII.

*An act for uniting the two colleges of* Saint Salvator *and* Saint Leonard, *in the university of* Saint Andrews, *pursuant to an agreement for that purpose.*

WHEREAS *the college of* Saint Salvator, *in the university of* Saint Andrews, *consists of a provost or principal master, three professors of philosophy, a professor of* Greek, *and a professor of humanity, with small salaries annexed to each professorship; and* Saint Leonard's *college in the same university is likewise composed of a principal master, three professors of philosophy, a professor of* Greek, *and a professor of humanity, who teach the same arts and sciences, and the said colleges have different large fabricks and rents and emoluments under separate managements: and whereas the parliament of* Scotland, *in consideration of the low condition of the revenues of this and the other universities, and of the mean and incompetent provisions of the masters and professors thereof, and from a desire of giving all due encouragement to these seminaries, did, by an act of parliament dated the tenth day of* September, *one thousand six hundred and seventy two, grant the stipends and benefices of churches that should happen to be vacant for seven years next ensuing the date of the said act, to be employed for the use of the said universities and colleges, the proportion whereof allocated to the said two colleges being no more than fourteen pounds, thirteen shillings, and four pence yearly; and the said parliament of* Scotland, *considering the small and incompetent provisions and salaries then possessed by the masters and professors of his Majesty's famous and ancient university of* Saint Andrews, *did, for encouragement and advancement of learning, by another act of the seventeenth of* September, *one thousand six hundred and eighty one, enact and ordain, that half a month's cess should be imposed upon the land rent in* Scotland, *to be paid in and stocked for the use of the said university of* Saint Andrews, *and divided in its just proportions to the several masters and professors in the several colleges therein, by the advice of his Majesty's privy council, from which the sum of one hundred and seventeen pounds, fourteen shillings, and four pence, yearly, arises to the said two colleges: and whereas his late majesty King* William *was graciously pleased, by a grant bearing date the twenty ninth day of* April, *one thousand six hundred*

*and ninety five, to grant to the said principals, professors, and masters in the said university of* Saint Andrews, *and to their successors in office, the yearly sum of three hundred pounds, out of the rents and revenues of the bishopricks in* Scotland, *and to be applied and distributed among them in manner therein mentioned, to commence from* Whitsunday, *one thousand six hundred and ninety four, and to continue in time coming, and to be paid yearly to the factors of the several colleges of the said university for the time being, for the use and behoof of the said principals, professors, and others, in manner therein appointed, of which the sum of one hundred and forty pounds was the share allocated to the principals and professors of the said two colleges of* Saint Salvator *and* Saint Leonard: *and whereas his present Majesty was graciously pleased, from his pious and princely zeal for the good and flourishing state of the said university of* Saint Andrews, *by his royal grant bearing date the ninth day of* April, *one thousand seven hundred and twenty nine, to grant to the several principals and professors in the said university, and to their successors in office, the yearly sum of two hundred and ten pounds, to be distributed in manner therein set forth, to be placed on the establishment for civil affairs, in that part of the united kingdom, to commence from* Christmas, *one thousand seven hundred and twenty seven, and from thenceforth to be paid and accounted for to the said several principals and professors, and their successors in office, during his Majesty's pleasure; of which the sum of one hundred and fifty seven pounds, sixteen shillings, and eleven pence, and one third of a penny, was the share allocated to the principals and professors of the said two colleges last mentioned: and whereas the present salaries payable to the masters and professors of the said two colleges are as follows,* viz. *to the provost or principal of* Saint Salvator's *college, the yearly sum of eighty three pounds, six shillings, and eight pence, including the sum of eighteen pounds, as his share of his present Majesty's said bounty; to the three professors of philosophy and professor of* Greek, *the yearly sum of forty six pounds each, including the sum of eleven pounds, one shilling, and six pence halfpenny, as the share for each of his Majesty's said bounty; to the professor of humanity, the yearly sum of thirty nine pounds, fourteen shillings and six pence, and one third of a penny, including the sum of eleven pounds, one shilling, and six pence halfpenny, as his share of the said bounty; to the principal of* Saint Leonard's *college, the yearly sum of one hundred and thirty pounds, two shillings, and five pence, and one sixth of a penny, including the sum of eighteen pounds, as his share of the said bounty; to the several professors in the same college, the same salaries respectively, with the correspondent professors in the said college of* Saint Salvator, *and including the like sums, as their several shares of the said bounty; to the professor of mathematicks, the yearly sum of sixty one pounds, including the sum of eleven pounds, one shilling and six pence halfpenny, as his share of the said bounty; and to the professor of medicine, the yearly sum of fifty pounds: and whereas the revenues of the said two colleges have, from time to time, been diminished by various accidents, and particularly by augmentations of stipends, out of the tithes of certain parishes which were anciently appropriated to the said two colleges, whereby, and by means*

*whereof*

*whereof, the monies arising from the ancient and late grants made to the said university, is not more than sufficient to satisfy and discharge the said small salaries, and other incident expences, and there is no fund sufficient to maintain or support the fabricks of the said colleges: and whereas the present masters and professors in both the said colleges, taking into their consideration, that the meanness of the present salaries will discourage men of learning and abilities from accepting of vacant professorships, and that in the present ruinous state and condition of one of the fabricks, the same cannot be repaired or supported without an expence far exceeding what the publick funds of the said college can afford; and conceiving it to be proper, when they cannot immediately apply a full remedy to this growing evil, at least to attempt laying a foundation which hereafter may support this sinking, though once flourishing university, and give hopes of restoring it again to its former lustre; and after mature deliberation, finding no expedient more probable than the uniting of the said two colleges, and their rents and revenues under one common management, and uniting also the correspondent professorships in the said two colleges, as the same shall become vacant by death or resignation; the said present masters and professors in both the said colleges, have therefore come to an agreement to unite and incorporate the said two colleges, upon such terms as they conceive may be of general publick benefit, and tend to promote the advancement of learning and better education of youth in the said ancient university: but as such union cannot be effected without the aid and authority of an act of parliament*; may it therefore please your most excellent Majesty, upon the humble petition of *David Young*, professor of philosophy, in behalf of himself, and of the provost and principal masters and professors in the said colleges of *Saint Salvator* and *Saint Leonard*, in the said university of *Saint Andrew's*, that it may be enacted, *&c.*

The two colleges of St Salvator and St. Leonard united. The lands, &c, belonging thereto, put under the management of a principal and masters. The funds for the salaries to be one common stock The several powers, &c. of the colleges reserved. Persons appointed to be the principal, and professors of the united college. His Majesty's bounty made revocable at pleasure. Privileges granted to the principal of the united college.

## CAP. XXXIII.

An act to enable the parishioners of the parish of Saint Andrew, Holborn, in the city of London and county of Middlesex, to purchase a convenient piece of ground, for an additional burying ground, for the use of the said parish; and to enable the said parishioners to raise such sum and sums of money as shall be necessary for that purpose.

## CAP. XXXIV.

*An act to enable his Majesty to allow to the residuary legatees of Sir* Joseph Jekyll *knight, late master of the rolls, deceased, part of the legacy given by his will to the use of the* Sinking Fund.

WHEREAS *by an act made in the twelfth year of the reign of King* Charles *the Second, intituled,* An act impowering the master of the rolls for the time being to make leases for 12 Car. 2. c. 36.

costs of suit, and may levy the same by execution, to be awarded out of the court, where such action or actions shall be brought.

## CAP. XXV.

An act for repairing the high road leading from the town of Stockton upon Tees, to Darlington, and from thence through Winston to Barnard Castle, in the same county.

*Certain tolls granted for 21 years. Enlarged by 22 Geo. 2. c. 51.*

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*The act 6 Geo. 2. c. 8. revived and continued for 31 years.*

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*An act for allowing persons impeached of high treason, whereby any corruption of blood may be made, or for misprision of such treason, to make their full defence by council.*

WHEREAS *it is thought reasonable, that persons impeached by the house of commons of high treason, whereby any corruption of blood is made, or for misprision of such treason, should have the same benefit and advantage in making their defence, as they may have on indictments, or other prosecutions:* the commons therefore humbly pray your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *June*, in the year of our Lord one thousand seven hundred and forty seven, all and every person and persons whatsoever, who shall be impeached by the commons of *Great Britain* of any high treason, whereby any corruption of blood may or shall be made to

Council allowed to persons impeached of high treason by the commons.

*heirs and successors, Kings or Queens of* England, *to be applied to the use of the* Sinking Fund, *in such manner, as should be directed by act of parliament; and all the rest and residue of his estate, both real and personal, he gave and devised unto* Thomas Jekyll, John Jekyll, Joseph Jekyll, Edward Jekyll, Richard Blackett Jekyll, Mary Jekyll, *and* Hannah Jekyll, *children of* John Jekyll, *late of* New England, *deceased, and to* Joseph Jekyll *grocer, the son of* Thomas Jekyll, *and to* Nicholas Roberts, Thomas Hester, Tryphena Baldwin, *and* Tryphosa Sanders, *and to their heirs, executors and administrators, as tenants in common; and he appointed the said* Joseph Jekyll *executor of his will; and he also gave his said executor power to renew leases, from time to time, of the houses held of the master of the rolls, with his successor or successors, masters of the rolls for the time being: and whereas the said Sir* Joseph Jekyll *did before, and till the time of his death, shew great affection and regard for several of his relations, whom he so made residuary legatees by his said will, and several times expressed his intention to make a competent provision for their support, and for that end and purpose devised to them all the residue of his real and personal estate, in manner as before-mentioned: and whereas it having appeared since the death of the said Sir* Joseph Jekyll, *that the ground belonging to the rolls which he demised together with the messuages built thereon for the term of forty one years, were demisable for the term of twenty one years only, the said residuary legatees were necessitated to enter into an agreement with* John Verney *esquire, deceased, late master of the rolls, by which agreement all the said leases granted as aforesaid, for the term of forty one years, were to be cancelled, and the said* John Verney *was to execute for the benefit of the said residuary legatees, other leases of the said messuages, for the term of twenty one years, and by reason of such agreement the value of the estate bequeathed to the said legatee, is so reduced, that several of them will be exposed to indigence and distress, unless some relief be granted to them by parliament*; therefore we your Majesty's most dutiful and loyal subjects the commons of *Great Britain*, in parliament assembled, having taken the premisses into consideration, do most humbly beseech your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for his Majesty, his heirs and successors, by warrant or order under his or their sign manual, to permit the said *Joseph Jekyll*, his executors, administrators, or assigns, to sell so much of the *East India* and *South Sea* stock, devised as aforesaid, as will enable him or them to raise for the benefit of the said residuary legatees, the sum of thirteen thousand five hundred eighty two pounds, nine shillings and two pence; which said sum of thirteen thousand five hundred eighty two pounds, nine shillings, and two pence, shall be applied by him or them in the same manner, as the real and personal estate of the said Sir *Joseph Jekyll* is, by his said will, directed to be applied.

Mr. Jekyll permitted to raise 13,582 l. 9 s. 2 d. out of the East India and South Sea Stock, given by Sir Joseph Jekyll for the use of the Sinking Fund; to be applied as Sir Joseph Jekyll's estate.

## CAP. XXXV.

An act to indemnify persons who have omitted to register their letters of attorney, appointing them agents for prizes, within the time limited by law; and for allowing further time for that purpose. EXP.

*Time given to 1 Aug. 1747.*

## CAP. XXXVI.

*An act for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and forty seven; and also for enabling his Majesty to raise a further sum of money for the uses and purposes therein mentioned; and for the further appropriating the supplies granted in this session of parliament; and for applying a certain sum of money, for defraying the charge of the allowances to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse, lately reduced, for the year one thousand seven hundred and forty seven, and for continuing the bounties on the exportation of* British *and* Irish *coarse linens.*

*Most gracious Sovereign,*

Preamble.

WE your Majesty's most dutiful and loyal subjects the commons of *Great Britain* in parliament assembled, being desirous to raise the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and forty seven, in the easiest manner we are able, for the benefit of your Majesty's subjects, and also to use such ways and means therein, as that your Majesty may have the better and more speedy effect of the said supplies, have resolved to give and grant unto your Majesty the sum of one million, out of the surplusses, excesses, and overplus monies, commonly called *The Sinking Fund:* and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as now are, or shall from time to time be and remain in the receipt of the exchequer, of the said surplusses, excesses, or overplus monies, commonly called *The Sinking Fund* (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued and applied, a sum not exceeding the said sum of one million, for and towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and forty seven; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or

One million granted out of the Sinking Fund.

or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

II. And it is hereby enacted by the authority aforesaid, That in case the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think it adviseable to raise the said sum of one million, or any part thereof, by loans or exchequer bills, in manner herein after mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of one million, upon the credit of the said surplusses, excesses, or overplus monies, commonly called *The Sinking Fund*; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding four pounds *per centum per annum*, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover that no money so to be lent on the security of this act shall be rated or assessed to any tax or assessment whatsoever.

Clause of loan at 4 l. *per cent.*

III. And be it further enacted, That all and every person and persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally or loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the said rate of four pounds *per centum per annum*, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent shall be registred in course according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, or overplus monies; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in, of, or for the said surplusses, excesses, or overplus monies, commonly called *The Sinking Fund*, as aforesaid, shall be in the same order liable to the satisfaction of the said respective

Tallies and orders for repayment.

Orders to be register'd, and paid in course.

tive persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than such uses and purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid;) and that no fee, reward, or gratuity directly or indirectly shall be demanded or taken of any of his Majesty's subjects for providing or making of any such books or registers, or any entries, views, or searches in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt with full costs of suit to the party grieved, and shall be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his place or office; and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon such order, according to each person's due place and order as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.

without undue preference.

No fee for registering, &c.

Penalty of undue preference.

No undue preference, where tallies are dated, &c. the same day.

IV. Provided always, and it is declared, That if it shall happen that several tallies of loan or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those be entered first, so as he enters them all the same day.

Nor if subsequent orders be paid before such as were not demanded.

V. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders,

orders, which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

VI. And be it further enacted, That all and every person and persons to whom any money shall be due for loans to be registred by virtue of this act, after order entered in the book of registry as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign or transfer his, her, or their right, title, interest, and benefit of such order, or any part thereof to any other; which being notified in the office of the auditor of the receipt as aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders (which the officers shall upon request without fee or charge accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, and assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

Orders assignable *toties quoties*.

The assignment not to be voided.

VII. And to the end there may be no want or failure of a certain sum not to exceed in the whole the said sum of one million, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means for the publick service; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more adviseable to raise the said sum of one million or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made at the exchequer, any number of new exchequer bills, for any sum or sums of money not exceeding in the whole the said sum of one million, together with such loans as aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of parliament (for granting an aid to his Majesty by a land tax, for the service of the year one thousand seven hundred and forty seven) are enacted and prescribed concerning the exchequer bills to be made in pursuance of the said act.

Treasury may make new exchequer bills for raising the said one million, &c.

20 Geo. 2. c. 2.

VIII. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act relating to the loans or exchequer bills authorized to be made by the same act, except such clauses as do charge the same on the aids, taxes, or assessments granted by the same act, shall be applied and extended to the exchequer bills to be made in pursuance of this act, as fully and effectually to

The exchequer bills to be subject to the same regulations.

to all intents and purposes as if the said exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisoes had been particularly repeated or re-enacted in the body of this present act.

to be repaid out of the sinking fund.

IX. And be it enacted by the authority aforesaid, That all the exchequer bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by or out of the growing produce of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

The further sum of 500,000 l. granted to his Majesty;

X. And for the better enabling your Majesty to carry on the war with vigour, both by sea and land, and to make good such treaties as are or shall be made with your Majesty's allies, your said dutiful and loyal commons have also freely given and granted unto your Majesty the further sum of five hundred thousand pounds, to be raised in manner herein after mentioned; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the King's most excellent majesty, by warrant or warrants under his royal sign manual, to authorize and impower the commissioners of his Majesty's treasury, now or for the time being, or any three or more of them, or the lord high treasurer for the time being, at any time or times before the twenty fifth day of *December*, one thousand seven hundred and forty seven, to cause or direct any loans to be taken or received at his Majesty's exchequer, from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there, for any sum or sums of money, not exceeding in loans and exchequer bills together, in the whole, the said sum of five hundred thousand pounds, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by the before mentioned act of this present session of parliament (for granting an aid to his Majesty by a land tax, for the service of the year one thousand seven hundred and forty seven) are enacted and prescribed, concerning the loans or exchequer bills to be taken or made in pursuance of the said act.

to be raised by loans or exchequer bills.

Regulations concerning the exchequer bills.

XI. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last mentioned act, relating to the loans or exchequer bills,

bills, authorized to be made by the same act (except such clauses as do charge the same on the rates, duties, and assessments granted by the same act) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisoes had been particularly repeated and re-enacted in the body of this act.

Loans, &c. to carry 4 l. per cent.

XII. And be it further enacted by the authority aforesaid, That all such loans or exchequer bills, not exceeding five hundred thousand pounds as aforesaid, as shall be taken in, or made forth in pursuance of this act, may respectively be made to bear or carry an interest, premium, or rate, not exceeding four pounds *per centum per annum*; and all such loans or exchequer bills, together with the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid, or borne by or out of the first aids or supplies, which shall be granted in parliament next after the twenty ninth day of *September*, one thousand seven hundred and forty seven; and in case sufficient aids or supplies for that purpose shall not be granted before the twenty fourth day of *June*, one thousand seven hundred and forty eight, then all and every the said loans or exchequer bills, with the interest, premium, rate, and charges incident to or attending the same, shall be and are hereby charged and chargeable upon such monies, as at any time or times at or after the said twenty fourth day of *June*, one thousand seven hundred and forty eight, shall be or remain in the receipt of the exchequer, of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*, (except such monies of the said sinking fund as are appropriated to any particular use or uses, by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such loans or exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

payable out of the first supplies, or sinking fund.

Monies paid out of the sinking fund to be replaced out of the first supplies.

XIII. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*, shall from time to time be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

The land tax, 20 Geo. 2. c. 2.

XIV. Provided always, and be it enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in* Great Britain, *for the service of the year*

*year one thousand seven hundred and forty seven*;) and so much money, if any such be, of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament (intituled, *An act for continuing the duties upon malt, mum, cyder, and perry, in that part of* Great Britain *called* England, *and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of* Great Britain *called* Scotland; *and for applying a certain sum of money therein mentioned towards the supply for the service of the year one thousand seven hundred and forty seven*;) and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and also all the monies coming into the exchequer by sale of annuities, after the rate of four pounds *per centum per annum*, upon one other act of this session of parliament (intituled, *An act for repealing the several rates and duties upon houses, windows, and lights*; *and for granting to his Majesty other rates and duties upon houses, windows, or lights*; *and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties*;) and also all the monies coming into the exchequer, by contributions, by way of a lottery, for the purchase of annuities, after the rate of four pounds *per centum per annum*, upon one other act of this session of parliament (intituled, *An act for granting to his Majesty several rates and duties upon coaches, and other carriages therein mentioned*; *and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties*;) and also the sum of one hundred twelve thousand five hundred eight pounds, nineteen shillings, and two pence, remaining in the receipt of his Majesty's exchequer, of the additional duties on spirituous liquors, granted by an act of the sixteenth year of his Majesty's reign, after satisfying all incumbrances thereupon, to *Christmas*, one thousand seven hundred and forty six; and the sum of one million five hundred thousand pounds, by this act granted, shall be further appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein after expressed (that is to say)

Malt act, &c. 20 Geo. 2. c. 5.

and duties upon houses, &c. 20 Geo. 2. c. 3.

and upon coaches, &c. 20 Geo. 2. c. 10.

and 112,508 l. 19 s. 2 d. remaining of the additional duties on spirituous liquors; applied.

XV. It is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding two million two hundred ninety two thousand two hundred fifty nine pounds, eighteen shillings, and eight pence, for or towards the naval services herein after more particularly expressed; (that is to

2,292,259 l. 18 s. 8 d. to naval services.

to say) for or towards defraying the charges of the ordinary of his Majesty's navy, and for half-pay to sea officers, and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed; and for or towards carrying on the building of the intended hospital for sick and wounded seamen at *Gosport*, for the year one thousand seven hundred and forty seven.

XVI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding two hundred five thousand seven hundred twenty eight pounds, nine shillings, and nine pence, for the freight of transports, between the first day of *January*, one thousand seven hundred and forty five, and the thirty first day of *December*, one thousand seven hundred and forty six; and any sum or sums of money not exceeding sixty six thousand six hundred sixty eight pounds, seven shillings, and ten pence, for the expence of the victuals provided for his Majesty's land forces, between the first day of *January*, one thousand seven hundred and forty five, and the thirty first day of *December*, one thousand seven hundred and forty six.

205,728 l. 9 s. 9 d. for freight of transports.

66,668 l. 7 s. 10 d. for victualling the land forces.

XVII. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, upon account, towards the support of the royal hospital at *Greenwich*, for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country; and any sum or sums of money, not exceeding one million, towards paying off and discharging the debt of the navy.

10,000 l. to Greenwich hospital.

1,000,000 l. towards the debt of the navy.

XVIII. And it is hereby also enacted, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding four hundred seventy seven thousand two hundred thirteen pounds, eight shillings, and two pence, for or towards defraying the charge of the office of ordnance for land service, for the year one thousand seven hundred and forty seven, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

477,213 l. 8 s. 2 d. to the ordnance.

XIX. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding two hundred six thousand two hundred fifty three pounds, and fifteen shillings, for defraying the charge of eleven thousand five hundred and fifty marines (commission and non-commission officers included) to be employed for the year one thousand seven hundred and forty seven.

206,253 l. 15 s. to the marines.

XX. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may

3,891,432 l. 7 s. 2 d. farthing, to the land forces;

may be issued and applied any sum or sums of money, not exceeding three million one hundred ninety one thousand four hundred thirty two pounds, seven shillings, and two pence farthing, for or towards maintaining his Majesty's land forces and other services herein after more particularly expressed; that is to say, any sum or sums of money, not exceeding eight hundred fifty six thousand sixty six pounds, nineteen shillings, and two pence, for defraying the charge of thirty three thousand and thirty effective men, including commission and non-commission officers, and one thousand eight hundred and fifteen invalids, for guards, garrisons, and other his Majesty's land forces, and other services in *Great Britain*, *Guernsey*, and *Jersey*, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding three hundred seventy two thousand seven hundred eighty eight pounds, and eleven shillings, for defraying the charge of fifteen thousand one hundred and ninety six effective men, commission and non-commission officers included, for the service of the war in *Flanders*, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding three hundred forty three thousand one hundred twelve pounds, eight shillings, and one penny halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Placentia*, *Gibraltar*, *Georgia*, *Rattan*, and *Cape Breton*, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding four hundred thousand pounds, for defraying the expence of the pay and subsistence of the body of the troops of *Hanover*, consisting of five thousand horse, and thirteen thousand foot, making in the whole eighteen thousand men, to act in the Low Countries, with the *Austrian* troops, and those of the *States General* of the united provinces, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding ten thousand pounds, for a train of artillery to attend the said troops; and any sum or sums of money, not exceeding one hundred sixty one thousand six hundred seven pounds, seventeen shillings, and one penny halfpenny, for defraying the charge of one thousand two hundred sixty four horse, and four thousand nine hundred and eight foot, with the general officers, and train of artillery, the troops of his Majesty the King of *Sweden*, as *Landgrave* of *Hesse Cassell*, in the pay of *Great Britain*, from the twenty fifth day of *December*, one thousand seven hundred and forty six, and to the twenty fourth day of *December*, one thousand seven hundred and forty seven, both inclusive, together with the subsidy for the said time, pursuant to treaty; and any sum or sums of money, not exceeding four hundred thirty three thousand three hundred thirty three pounds, six shillings, and eight pence, to enable the Queen of *Hungary* to support her allies, and maintain sixty thousand men in the Low Countries, for the year one thousand seven hundred and forty seven, pursuant to treaty; and any sum or sums of money, not exceeding three

of which 856,066 l. 19 s. 2 d. for guards, &c. in Great Britain, Guernsey, and Jersey;

372,788 l. 11 s. for the war in Flanders;

343,112 l. 8 s. 1 d. halfpenny, for the forces in the plantations, &c.

400,000 l. to the troops of Hanover.

10,000 l. for a train of artillery.

161,607 l. 17 s. 1 d. halfpenny for troops, &c. to the King of Sweden.

433,333 l. 6 s. 8 d. to the Queen of Hungary.

three hundred thousand pounds, to make good his Majesty's engagements with the King of *Sardinia*, pursuant to treaty; and any sum or sums of money, not exceeding twenty four thousand two hundred ninety nine pounds, one shilling, and four pence, to make good his Majesty's engagements with the Elector of *Cologn*, pursuant to treaty; and any sum or sums of money, not exceeding eight thousand six hundred and twenty pounds, to make good his Majesty's engagements with the Elector of *Mentz*, pursuant to treaty; and any sum or sums of money, not exceeding twenty six thousand eight hundred forty six pounds, eleven shillings, and nine pence, to make good his Majesty's engagements with the Elector of *Bavaria*, pursuant to treaty; and any sum or sums of money not exceeding forty eight thousand five hundred seventy five pounds, seventeen shillings, and ten pence, for the pay of the general, and general staff officers, and officers of the hospitals for his Majesty's land forces, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding one hundred sixty six thousand one hundred ninety eight pounds, eighteen shillings, and four pence farthing, for defraying the extraordinary expences on account of the rebellion, and other services of his Majesty's land forces, for the year one thousand seven hundred and forty six, incurred and not provided for by parliament; and any sum or sums of money not exceeding twenty nine thousand nine hundred fourteen pounds, fifteen shillings, and ten pence, upon account of half-pay to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and forty seven, subject to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and any sum or sums of money not exceeding six thousand one hundred and twenty pounds, for providing four hundred and eight horses lost in *Flanders* and at the battles of *Falkirk* and *Culloden*, in the year one thousand seven hundred and forty six; and any sum or sums of money, not exceeding three thousand nine hundred and forty eight pounds, for paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and forty seven; which said sum of three thousand nine hundred and forty eight pounds, shall be issued to such person or persons, as his Majesty shall, by warrant or warrants under his royal sign manual, direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, and other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint.

300,000 l. to the King of Sardinia.

24,299 l. 1 s. 4 d. to the Elector of Cologn.

8,620 l. to the Elector of Mentz.

26,846 l. 11 s. 9 d. to the Elector of Bavaria.

48,575 l. 17 s. 10 d. for general and staff officers.

166,198 l. 18 s. 4 d. farthing, for extraordinary charges of the rebellion, &c.

29,914 l. 15 s. 10 d. to half-pay.

6,120 l. for horses lost in Flanders, &c.

3,948 l. to widows of reduced officers.

XXI. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be

 issued

456,733 l. 16 s. 3 d. 3 farthings, for deficiencies on the civil list;

issued and applied any sum or sums of money, not exceeding four hundred fifty six thousand seven hundred thirty three pounds, sixteen shillings, and three pence three farthings, to make good the deficiency of the duties and revenues applicable to the uses of his Majesty's civil government in the seven years, ending at *Midsummer*, one thousand seven hundred and forty six; and

and 500,000 l. to discharge the like sum borrowed, &c.

any sum or sums of money, not exceeding five hundred thousand pounds, to enable his Majesty to discharge the sum of five hundred thousand pounds, raised in pursuance of an act passed in the last session of parliament, and charged on the first aids or supplies to be granted in parliament, after the twenty ninth day of *September*, one thousand seven hundred and forty six.

30,000 l. for the bridge at Westminster.

XXII. And it is hereby enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and paid to the commissioners for building a bridge cross the river *Thames*, from the city of *Westminster* to the opposite shore, in the county of *Surrey*, or any seven or more of them, or to such person or persons as shall be appointed under the hands and seals of the said commissioners, or any seven or more of them, to receive the same, the sum of thirty thousand pounds, without account, other than is directed for other monies raised by virtue of several former acts of parliament, passed during the reign of his present Majesty, for building the said bridge, to be applied towards finishing the said bridge, and to enable the said commissioners to perform the other trusts reposed in them.

500,000 l. to enable his Majesty to carry on the war.

XXIII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding five hundred thousand pounds, to enable his Majesty to carry on the war with vigour both by sea and land, and to make good such treaties as are or shall be made with his Majesty's allies, for the year one thousand seven hundred and forty seven.

7,978 l. 8 s. 4 d. to the deficiency of stamp duties.

XXIV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding seven thousand nine hundred seventy eight pounds, eight shillings, and four pence, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Christmas*, one thousand seven hundred and forty five;

13,910 l. 5 d. halfpenny, to the deficiency of the duties on sweets.

and any sum or sums of money not exceeding thirteen thousand nine hundred ten pounds, and five pence halfpenny, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty of twelve shillings a barrel on sweets, or wines made from *British* or foreign fruit or sugar, at *Michaelmas*, one thousand seven hundred and forty six;

35,000 l. for interest due on the salt duties.

and any sum or sums of money not exceeding thirty five thousand pounds, to replace to the said sinking fund the like sum paid out of the same, to answer one year's interest due at *Michaelmas*, one thousand seven hundred and forty six, after the rate of three pounds ten shillings *per centum per annum*, on the principal sum of one million lent

on

on the credit of the salt duties, which were continued for six years, from *Lady-day*, one thousand seven hundred and fifty three, towards the supply for the year one thousand seven hundred and forty five; and any sum or sums of money, not exceeding forty nine thousand six hundred ninety three pounds, seventeen shillings, and nine pence halfpenny, to replace to the said sinking fund the like sum paid out of the same to make good the deficiency of the additional duties on wines at *Midsummer*, one thousand seven hundred and forty six.

49,693 l. 17 s. 9 d. halfpenny, to make good the additional duties on wines.

XXV. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand two hundred eleven pounds, five shillings, and three pence farthing, for making good the deficiency of the general fund for the year ending at *Michaelmas*, one thousand seven hundred and forty six; and any sum or sums of money, not exceeding one hundred thirty five thousand three hundred seventy eight pounds, four shillings, and seven pence, to make good the deficiency of the grants for the service of the year one thousand seven hundred and forty six; and any sum or sums of money, not exceeding sixteen thousand six hundred seventy pounds, eleven shillings, and one penny farthing, for making good the deficiency at *Lady-day*, one thousand seven hundred and forty six, of the duty on licences for retailing of spirituous liquors; and any sum or sums of money not exceeding one thousand four hundred twenty one pounds, eleven shillings, and two pence halfpenny, for making good the deficiency at *Christmas*, one thousand seven hundred and forty six, of the additional duties on all wines imported; and any sum or sums of money not exceeding fifty eight thousand two hundred thirty three pounds, one shilling, and one penny, for making good the deficiency at *Christmas*, one thousand seven hundred and forty six, of the duties on glass and spirituous liquors; and any sum or sums of money, not exceeding thirty eight thousand six hundred forty eight pounds, five shillings, and two pence farthing, for making good the deficiency at *Christmas*, one thousand seven hundred and forty six, of the surplus of the fund of the lottery one thousand seven hundred and fourteen.

10,211 l. 5 s. 3 d. farthing, deficiency of the general fund.

135,378 l. 4 s. 7 d. deficiency of grants.

16,670 l. 11 s. 1 d. farthing, deficiency on licences for retailing spirituous liquors.

1,421 l. 11 s. 2 d. halfpenny, deficiency on wines imported.

58,233 l. 1 s. 1 d. deficiency on glass and spirituous liquors.

38,648 l. 5 s. 2 d. farthing, deficiency of the lottery in 1714.

XXVI. *And whereas by an act of parliament made and passed in the sixth year of the reign of her late majesty Queen* Anne, (*intituled*, An act for continuing one half part of the subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King *Charles* the Second; and for settling a fund thereby, and by other ways and means, for payment of annuities, not exceeding eighty thousand pounds *per annum*, to be sold for raising a further supply to her Majesty for the service of the year one thousand seven hundred and eight, and other uses therein expressed), *certain annuities were granted and made payable at the exchequer out of the said duties by that act continued: and whereas in pursuance of an act made in the sixth year of the*

6 Annæ, c. 11.

6 Geo. 1. c. 4. *the reign of his late majesty King* George *the First* (*intituled*, An act for enabling the *South Sea* company to increase their present capital stock and fund, by redeeming such publick debts and incumbrances as are therein mentioned; and for raising monies to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer bills remaining uncancelled, and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand, at or near the exchequer) *several of the proprietors of the annuities before mentioned did subscribe the same into the capital stock of the said* South Sea *company, upon the terms in the said last recited act mentioned, by means whereof the said company are become intitled to the yearly sum of forty seven thousand three hundred twenty seven pounds, thirteen shillings, and eight pence, for interest, and charges of management, upon such part of the said annuities so subscribed into their capital: and whereas the monies arisen into the exchequer, of or for the rates and duties by the said first recited act granted, have proved so low and deficient, that at the feast of the birth of our Lord Christ, one thousand seven hundred and forty six, there was due and payable to the several persons intitled to such part of the said annuities, as were not subscribed to the* South Sea *company, as also to the* South Sea *company, upon their annuity aforesaid, the sum of eighty five thousand nine hundred sixty eight pounds, twelve shillings, and three pence three farthings: and whereas no provision is made by the said acts, or either of them, for making good such deficiency*; be it therefore enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding the sum of eighty five thousand nine hundred sixty eight pounds, twelve shillings, and three pence three farthings, to make good to the several proprietors of the said annuities, as also to the said *South Sea* company, the several sum or sums of money due to them, to satisfy their respective annuities, payable by the said acts of parliament, to or for any time before the said feast day of the birth of our Lord Christ, one thousand seven hundred and forty six.

85,968 l. 12 s. 3 d. 3 farthings, to make good the annuities payable to the South Sea company, &c.

The supplies to be applied as this act directs.

XXVII. And be it further enacted by the authority aforesaid, That the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

Rules to be observed in the application of the half-pay.

XXVIII. And as to the said sum of twenty nine thousand nine hundred fourteen pounds, fifteen shillings, and ten pence, by this act appropriated on account of half-pay, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or

company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain*, or *Ireland*, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

XXIX. *And whereas by an act of parliament made in the nineteenth year of his Majesty's reign, (intituled,* An act for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and forty six; and also for enabling his Majesty to raise a further sum of money for the uses and purposes therein mentioned; and for the further appropriating the supplies granted in this session of parliament; and for making forth duplicates of exchequer bills, lottery tickets, receipts, annuity orders, or other orders, lost, burnt, or otherwise destroyed) *several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which any sum or sums of money, not exceeding twenty four thousand seven hundred and one pounds, seven shillings, and six pence, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf*; now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of twenty four thousand seven hundred and one pounds, seven shillings, and sixpence, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall or may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others, as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity; or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act to the contrary notwithstanding.

19 Geo. 2. c. 31.

The surplus of last year's half-pay, to be applied to such objects as his Majesty shall direct.

XXX. And it is hereby likewise enacted, That out of the monies or savings arising from the money granted by parliament, applicable to the relief and provision of the widows of officers, who

22,267 l. 5 d. halfpenny, to the two troops of

horse guards, and three regiments of horse lately reduced.

who have been killed or died in the service, there shall and may be issued and applied, by any warrant or warrants of his Majesty, under his royal sign manual, any sum or sums of money, not exceeding the sum of twenty two thousand two hundred and sixty seven pounds, and five pence halfpenny, for defraying the charge of the allowances to several officers and private gentlemen of two troops of horse guards, and three regiments of horse lately reduced, together with the incident charges arising therefrom, for the year one thousand seven hundred and forty seven.

The bounties on English and Irish coarse linens continued, &c.

15 Geo. 2. c. 29. 18 Geo. 2. c. 25.

XXXI. And be it further enacted by the authority aforesaid, That the bounties on the exportation of *British* and *Irish* coarse linens, shall continue to be paid under the regulations of the acts of the fifteenth, sixteenth, and eighteenth years of his Majesty's reign; and that the same shall be paid out of such part of the old subsidy, as is applicable to the payment of incidents; and that an account thereof be laid before the house of commons every session of parliament, in order to replacing the same out of the next aids to be granted in parliament.

## CAP. XXXVII.

*An act for the ease of sheriffs with regard to the return of process.*

Process unexecuted, to be turned over to the succeeding sheriff;

FOR the ease of sheriffs with regard to the return of process, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty seven, all sheriffs of any county, city, liberty, division, town corporate, or place, shall, at the expiration of their office, turn over to the succeeding sheriff, by indenture and schedule, all such writs and process as shall remain in their hands unexecuted, who shall duly execute and return the same; and in case any such sheriff shall refuse or neglect to turn over such process, in manner aforesaid, every such sheriff so neglecting or refusing, shall be liable to make such satisfaction, by damages and costs, to the party aggrieved, as he, she, or they shall sustain by such neglect or refusal.

on penalty of making good the damage.

Sheriff not liable to make return of any writ, &c. after 6 months.

II. And be it further enacted by the authority aforesaid, That no sheriff shall be liable to be called upon to make a return of any writ or process, unless he be required so to do within six months after the expiration of his said office.

## CAP. XXXVIII.

*An act for the relief and support of maimed and disabled seamen, and the widows and children of such as shall be killed, slain, or drowned, in the merchants service.*

7 & 8 W. 3. c. 21.

WHEREAS *by an act made in the seventh and eighth years of the reign of his late majesty King* William *the Third, for the encouragement and increase of seamen, certain encouragements were*

*were given for seamen to register themselves in and for his Majesty's service; and in case any such registered seamen should, by age, wounds, or other accidents, be disabled for future service at sea, and should not be able to maintain themselves comfortably, and the children of such disabled seamen, and the widows and children of such of them as should happen to be slain, killed, or drowned in sea service, were to be provided for in the royal hospital at* Greenwich, *so far forth as the said hospital should be capable to receive them, and the revenue thereof would extend; and, for the better support of the said hospital, six pence* per *month is by the said act to be allowed out of the wages of every seaman employed in the merchants service, as well as of those employed in the service of the royal navy: and whereas by an act made in the ninth year of the reign of her late majesty Queen* Anne, *so much of the said act as relates to the registering of seamen was repealed; whereby every seaman in the service of the royal navy (though not registered) is intitled to the benefits of the said hospital: and whereas by an act made in the tenth year of the reign of her late majesty Queen* Anne, *for the better collecting and recovering the duties granted for the support of the said hospital, any seaman is to be considered as fully qualified for an admission into the said hospital, who shall offer himself to be admitted, and shall produce an authentick certificate of his having been wounded, maimed, or hurt in defending any ship belonging to the subjects of this kingdom against the enemies thereof, or in taking any ship from the enemy, and being thereby disabled for sea service: and whereas by an act made in the eighth year of the reign of his late majesty King* George *the First, for the more effectual suppressing of piracy, every seaman on board any merchant ship, who shall be maimed in fight against any pirate, upon due proof thereof, is to be admitted into, and provided for in the said hospital, preferable to any other seaman who is disabled from service, or getting a livelihood, merely by age: and whereas by an act made in the eighth year of the reign of his present Majesty, for the application of the rents and profits of the estates forfeited by the attainders of* James *late earl of* Derwentwater, *and* Charles Ratcliffe, *seamen on board any merchant ship or vessel, who shall be maimed in fight against any enemy of his Majesty, his heirs and successors, are to be admitted into, and provided for in the said hospital, in like manner as any other seamen wounded or disabled in the service of his Majesty, his heirs or successors: and whereas the said hospital is not capable to receive, nor the income thereof sufficient to provide for the seamen in the service of the royal navy, who are wounded, maimed, or worn out by age, or otherwise intitled to the benefits thereof, so that the seamen in the merchants service, maimed and disabled in fight, have seldom or never been admitted into the said hospital, though intitled thereto, and proper objects of charity: and whereas there is no provision at all made, by either of the said acts, for such seamen in the merchants service as are maimed or disabled by accidental misfortunes, or for those worn out by age, or for the widows or children of such as shall be killed, slain, or drowned in the said service: and whereas the seamen in the merchants service are willing to allow six pence* per *month, out of their wages, to be applied for the relief and support of such as shall be*

9 Annæ, c. 21. s. 64.

10 Annæ, c. 17.

8 Geo. 1. c. 24.

8 Geo. 2. c. 29.

*maimed, or disabled, or worn out by age, and of the widows and children of those who shall be killed, slain, or drowned in the said service: and forasmuch as the seamen in the merchants service have, during the course of this war, manifested their courage and resolution, and deserve all due encouragement; and the establishing the said charity will tend to the honour and good of the publick; but the same cannot be effected without the aid and authority of parliament*; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That *Alexander Hume, John Bristow, John Bance, Harry Gough, Albert Nisbett, Nathaniel Newman* junior, *Joseph Gulston, Charles Pole*; esquires; Sir *Peter Thompson* knight, *Robert Nettleton, Robert Thornton, John Smith, Abraham Hume, Henry Norris* senior, *Peter Du Cane, Josias Wordsworth, Joseph Fawthorp, Charles Savage, William Hunt, Merrick Burrell, James Lock, Henry March, Henry Muilman, Theodore Jacobson, James Theobald, Brian Benson, Roger Drake, John Gore, Walter Vane, Thomas Godfrey, John Wenham, Nathaniel Pace, William Willy*, esquires; *Josiah Chitty, Henry Norris* junior, *Joseph Adams, Thomas Allen, Samuel Baker; Matthews Beachcroft, Humphrey Bell, William Black, Charles Boehm, Edmund Boehm, Joseph Chitty, Jacob Chitty, Abel Fonnereau, Zachariah Philip Fonnereau, Abraham Franco, Jacob Franco, John Furly* senior, *John Godlee, Godhard Hagen, Ezekiel Hall, John Hanbury, Tilman Henckell, Edward Hunt, Joel Watson, Gerard Vanneck, Joshua Vanneck, Godfrey Thornton, John Weyland, Robert Dingley, Peter Thomas, Thomas Hyam, Eliakim Palmer, Chauncey Townsend, Peter Muilman, John Payne* junior, *John Thornton, William Wilberforce, Henry Sperling, James Brogden, Gilbert Malcher, Thomas Swayne, Beeston Long, Stephen Theodore Janssen, Thomas Boehm, Benjamin Bond, William Bowden, Thomas Forster, William Haytor, Clarmont, Edwin Martin, John Porter, John Sparrow, Thomas Spencer, James Sperling, John Thomlinson, Gent Unwin, Amyand, John Van Rixtel, Alexander Sheafe, Liebert Derrion, Henry Shiffner, George Prescot* junior, *Andrew Pringle, Robert Macky, Nicholas Magens, James Henckell, James Buchanan, James Whitchurch, Harman Beerens, Thomas Chitty, Griffin Ransom, Benjamin Mee, George Newland, Richard King, Thomas Tryan, John Simpson, Samuel Stork, Thomas Chace, Samuel Clark, John Goddard*, merchants; master *Thomas Bennet*, master *Adam Spencer*, and master *John Canham*, and their successors, to be elected and named in manner herein after directed and appointed, shall be, and are hereby declared and adjudged to be one body corporate and politick, in deed and in name, by the name of *The president and governors for the relief and support of sick, maimed, and disabled seamen, and of the widows and children of such as shall be killed, slain, or drowned, in the merchants service*: and that by the same name of *The president and governors*, they shall have perpetual succession, and a common seal, with power

Governors names.

Governors incorporated.

Name of corporation.

power to change, alter, break, and make new the same, when and as often as they shall judge expedient; and by the same name may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any court or courts of record, and places of judicature within this kingdom; and that they, and their successors, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess, and retain, in trust for the ends and purposes of this act, all such sum and sums of money as are granted, and shall be raised, collected, and received by virtue of this act, or shall be contributed, devised, or bequeathed, by any well-disposed persons, to and for the said ends and purposes; and that they, and their successors, by the name aforesaid, shall and may, at any time hereafter, without licence, in mortmain, purchase, take, or receive any lands, tenements, or hereditaments, or any estate or interest arising or derived out of the same, so that such lands, tenements, or hereditaments, be only for the scite of, or to be converted into an hospital, with offices and appurtenances necessary thereunto for the said ends and purposes.

May purchase lands for building an hospital.

II. And be it further enacted by the authority aforesaid, That the said president and governors, and their successors, to be elected and named in the manner herein after directed and appointed, shall, and may, and they are hereby authorized and impowered to provide in such hospital, for the reception of such seamen as shall be rendered incapable of present or future service, by sickness, wounds, or other accidental misfortunes, and those who shall become decrepit, or worn out by age; or shall provide for such seamen, by allowing them certain pensions, or otherwise, as to the said president and governors, and their successors, shall seem meet, and most for the advantage of the intended charity; and also to relieve the widows and children of such seamen as shall be killed, slain, or drowned in the said service; provided such children are not of the age of fourteen years; or if of that age, or upwards, not capable of getting a livelihood, by reason of lameness, blindness, or other infirmities, and are proper objects of charity; and to make reasonable allowances to those who shall lose an eye or limb, or be otherwise hurt or maimed, in fighting, defending, or working the ships, in which they respectively serve, or in loading or unloading the cargoes thereof, or otherwise howsoever, in doing their duty in the said service, in proportion to the damage or hurt they shall respectively receive, so far forth as the income and revenues which are, shall, or may be vested in the said president and governors, and their successors, will extend for the purposes aforesaid, according to such rules, orders, and regulations, as are or shall be established by or in pursuance of this act.

Provision to be made for the reception of disabled seamen;

and for pensions:

and their widows and children.

III. Provided nevertheless, That no seaman in the said service shall be intitled to any of the provisions or benefits of this act, unless he shall produce, or cause to be produced, a certificate to the president, assistants, and committees herein after named, or their successors, of the hurt or damage he hath received, from the

Seamen to produce certificates of the hurt they received.

the master, mate, boatswain, and surgeon, or so many of them as were in the ship or vessel to which such seaman did belong at the time of his receiving such hurt or damage; or of the master, and two of the seamen, if there is no other officer; or in case the master shall die, or be killed, or drowned, then of the person who shall take upon him the care of the ship or vessel, and two of the seamen on board the same, under their hands and seals, thereby signifying how and in what manner such seamen received such hurt or damage, whether in fighting, defending, working, loading, or unloading the said ship or vessel, where and when he entered, and how long he had served on board the same; and the parties so signing and sealing such certificate, shall and are hereby required to make oath of the truth of the contents thereof, before some one of his Majesty's justices of the peace, if given in *Great Britain* or *Ireland*, or other his Majesty's dominions, or the chief officer of the customs of the port or place where there is no justice of the peace, or before the *British* consul or resident in any foreign country where such certificate is executed (who are hereby respectively authorized and required to administer the same without fee or reward) and in case of sickness, whereby such seaman shall be rendered incapable of service, a certificate signed, sealed, and authenticated in like manner, signifying that he was healthy when he entered on board such ship or vessel, and that such sickness was contracted on board the same, or on shore, in doing his duty in the service of the ship, and not otherwise; and expressing the time and place he entered on board such ship or vessel, and how long he had served therein; and that no widow, child, or children of any seaman killed, slain, or drowned in the said service, shall be relieved, or intitled to any allowance by virtue of this act, unless she or they, or some person on her or their behalf, shall produce a certificate signed, sealed, and authenticated in like manner, signifying how and in what manner such seaman lost his life in the service of the said ship or vessel, the time and place he entered on board, and how long he had served therein; and also another certificate, under the hands and seals of the minister and churchwardens, and overseers of the poor of the parish, township, or place, or any two of them, or under the hands and seals of the minister and overseers of the poor of the parish, township, or place, or any two of them, where there are no churchwardens; and if such widow, child, or children, are some of the people called *Quakers*, then by any two reputable persons of that persuasion, of the parish, township, or place where such widow, child, or children have a legal settlement, or do inhabit or reside, to be attested by two or more credible witnesses, that such widow was the lawful wife, and real widow, and that such child or children was or were the lawful child or children of such seaman killed, slain, or drowned as aforesaid, and is or are under the age of fourteen years; or if of that age, or upwards, not capable of getting a livelihood, by reason of lameness, blindness, or other infirmities, and is or are proper objects of charity; and that no seaman shall

Parties signing the certificates to make oath.

Certificates to seamen disabled by sickness;

Widows and children.

shall be provided for by a pension, or otherwise, as decrepit or worn out, unless such seaman shall have served in the merchants service for the space of five years, and contributed and paid six pence *per* month out of his wages for that time, to and for the good ends and purposes of this act.

Seamen not intitled who have not served 5 years, &c.

IV. Provided always, and be it further enacted, That if any person shall forge, counterfeit, erase, or alter, or shall procure to be forged, counterfeited, erased, or altered, or shall unfairly or unduly obtain any certificate, in order to intitle him or her to any the pensions, allowances, or benefits of this act, and shall produce, or cause such certificate to be produced for that purpose, such certificate shall, upon discovery thereof, be null and void; and such person so applying for relief or provision, shall be for ever incapable of receiving any the benefits of this act, and shall be subject and liable to the like punishment as an incorrigible rogue is subject and liable to, and shall be punished accordingly as such.

Persons forging, &c. certificates, to be punished as incorrigible rogues.

V. And be it further enacted by the authority aforesaid, That for the more constant and ordinary management of the monies to be raised for the good ends and purposes aforesaid, there shall be, from time to time, and for ever hereafter, a president, and twenty one assistants or committees, of the said hereby erected corporation; and that *Henry Norris* senior esquire, shall be the first president, and *Alexander Hume* esquire, Sir *Peter Thompson* knight, *Robert Nettleton*, *Robert Thornton*, *John Smith*, *Peter Du Cane*, *Josias Wordsworth*, *Joseph Fawthorp*, esquires; *Josiah Chitty*, *Henry Norris* junior, *William Black*, *John Hanbury*, *John Weyland*, *Robert Dingley*, *Thomas Hyam*, *James Brogden*, *Stephen Theodore Janssen*, *John Thomlinson*, merchants; master *Thomas Bennet*, master *John Canham*, master *Adam Spencer*, the twenty one assistants or committees.

President and assistants

VI. And be it further enacted by the authority aforesaid, That the said herein before-named president and assistants, or committees, shall continue and remain so to be, till the twenty fourth day of *June*, one thousand seven hundred and forty eight; on which said twenty fourth day of *June* in every year, yearly, for ever hereafter, or within five days, either before or after the said twenty fourth day of *June*, ten days notice being given in the *London Gazette*, of the day fixed by a general court or assembly to be then held of the president and governors of the said corporation for the time being, a new choice or election of a president and twenty one assistants, or committees, shall be made and taken by the said president and governors, or the greater part of them then present, for the year then next following; who after such election, shall continue and remain such until the next general court or assembly to be annually held for the election of a president and assistants, or committees, as aforesaid.

to continue till 24 June, 1748. New election to be yearly, and notice in the Gazette.

VII. And be it further enacted by the authority aforesaid, That at all and every the general courts or assemblies of the said president and governors, and at the several full courts of assistants or committees, to be held as herein after is directed, the said

President to have a vote.

said president for the time being shall have voice, and shall vote and act as a member of such general court, or courts of committees; and in case of an equality of votes, the said president shall have and exercise a casting vote.

Four general courts yearly;

VIII. And be it further enacted and declared, That there shall be four general courts at least held every year; that is to say, on the said twenty fourth day of *June*, on the twenty ninth day of *September*, on the twenty fifth day of *December*, and on the twenty fifth day of *March*, or within five days before or after either of the said days respectively, of which ten days notice shall be given in the *London Gazette*; and the said president and assistants, or committees, shall have power to call a general court, at any other time or times, as the affairs of the said corporation shall require; and are also impowered and required to call a general court, at the request of any thirteen of the members of the said corporation, signifying the same, by writing under their hands; provided that ten days notice at least be given in the *London Gazette*, of the time and place of the meeting of every such general court so to be called as aforesaid.

Notice in the Gazette.

Courts may be called at other times,

giving notice.

President and 5 assistants to make a court;

meet weekly,

IX. And be it further enacted by the authority aforesaid, That the said president, with any five or more of the said assistants, or committees, for the time being, shall make a full court of assistants, or committees; and shall meet, from time to time, upon *Wednesdays* weekly, in or near the city of *London*, or at such other time and place as they shall think fit to appoint; and such court of assistants, or committees, shall have power, when assembled, as aforesaid, in the name of the said corporation, and on their account, to apply the monies arising, and to be received, by virtue of this act, and vested in the said corporation, for the relief and support of such seamen, and their widows and children, as are before described; and shall be intitled to the benefits and provisions of this act, in the manner herein directed, and in case there shall be any surplus thereof, or any sum or sums of money shall be contributed and given for the purposes of this act, by any well disposed persons, to lay out the same in parliamentary securities, or to dispose of the same in the purchase of such lands, tenements, and hereditaments, as are hereby before allowed, and with and under their common seal, to enter into any covenants or contracts for the purposes aforesaid, as they shall think fit for the better affecting and carrying on the charity hereby intended; and to appoint and choose, and at their pleasure to remove, displace, and supply any officers, servants, and other person or persons to be employed for the purposes herein mentioned and intended, or other affairs of the said corporation (other than and except such officers and persons as are directed to be appointed and chosen at a general court or assembly of the said corporation) and to direct and appoint such salaries, perquisites, or other rewards, for their labour or service therein, as they shall approve or think proper; and to do, manage, and transact, and determine, all such other matters and things, as shall to them, or the greater part of them, appear necessary and

to appoint officers, &c.

Exception.

and convenient for the affecting or carrying on the purposes hereby intended.

X. And be it further enacted and declared, That the management, transactions, and accompts of the said president and assistants, or committees, shall be, from time to time, and at all times hereafter, subject and liable to such audit and inspection, allowance, disallowance, and controul of all or such of the members or governors of the said hereby erected corporation, as by any by-laws ordinances of the same corporation shall be for that purpose constituted and appointed.

Committees to be subject to the by-laws.

XI. And it is hereby further enacted by the authority aforesaid, That there shall be a receiver of the hereby erected corporation, who shall be chosen by the said president and governors, or the greater part of them assembled in a general court, as aforesaid; and shall and may be allowed such salary as to them shall seem proper, and be at their will and pleasure displaced and removed from his station or employment, and another fit and able person thereunto appointed and chosen in his room.

Receiver.

XII. Provided also, and be it declared and enacted, That if there be any vacancy or vacancies of any person or persons, chosen at a general court, as aforesaid, happening by death or removal, such vacancy or vacancies shall be filled up at a general court or assembly to be held of the said president and governors, after ten days notice at least to be given thereof in the *London Gazette*, of such election.

Vacancies to be filled up at a general court.

XIII. And to the intent that there never may be wanting a competent number of members or governors of the said hereby erected corporation; therefore for perpetuating the succession thereof, and for supplying and filling up the places of president and assistants, or committees, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and governors, or the greater part of them that shall be present in such general court or assembly, to be held as aforesaid (so that not less than thirteen governors be then present) to elect and choose some other fit and able person or persons to be a member or governor, or members or governers, of the said hereby erected corporation, in the room or place of such of the persons above-named, or to be, from time to time, elected members or governors, as aforesaid, who shall happen to depart this life, or shall refuse to accept of being, or to continue, and remain to be, a member or governor as aforesaid.

Thirteen governors to be present at the election of a governor,

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said president and governors, in a general court assembled as aforesaid (so that not less than thirteen governors be then present) to make, ordain, and constitute, such and so many by-laws, constitutions, and ordinances, as to them, or the greater part of them, then and there present, shall seem necessary and convenient for the establishing the said hereby erected corporation, and the officers, servants, and persons by them, in and about the affairs of the said corporation, to be employed; and for the better applying the money

and at the making by-laws.

ney hereby to be raised and received, and providing for the persons intitled to the benefits of and provisions made by this act; and for the auditing the accounts, and the controuling, allowing, or disallowing the transactions of the said president, assistants, or committees, and of the said officers, servants, and persons; and the same by-laws, orders, ordinances, and constitutions, so made, to put in use accordingly; and at their will and pleasure to revoke, change, and alter the same; which said by-laws, orders, and ordinances, so as aforesaid made, shall be duly kept and observed, so always as the said constitutions, by-laws, orders, and ordinances, be reasonable, and not contrary or repugnant to the statutes, customs, or laws of this kingdom, or any of the express regulations of this act.

President not attending, another to be deputed.

XV. Provided also, and it is hereby declared, That in case the president shall at any time not attend, then it shall be lawful to and for the said assistants, or committees, at a court of assistants or committees, and the said governors, at a general court, to depute and appoint any other person a member or governor of the said corporation, to preside, vote, and act as president in his absence, and to do all and every act or acts, thing or things, as well at the said general court, as at the court of assistants or committees, or otherwise, as he the said president is hereby impowered, authorized or required to do.

Persons giving 50l. to be governors.

XVI. And, for the encouragement of such as shall be benefactors to so good a design, be it enacted by the authority aforesaid, That if any person charitably disposed, shall at one or more payments, pay into the hands of the receiver of the said hospital for the time being, or such person as shall be deputed for that purpose, the full sum of fifty pounds, to and for the good uses and purposes in this act mentioned, such person shall be, and is hereby declared to be, from the time of such payment of such fifty pounds as aforesaid, a governor of the said hereby erected corporation.

All seamen and masters of vessels, &c. to pay 6d. per month.

XVII. And for the effecting the good ends and purposes aforesaid, be it enacted by the authority aforesaid, That every seaman, or other person whatsoever, who shall serve, or be employed by any person or persons whatsoever, in any merchant ship, or other private ship or vessel belonging, or to belong to any of the subjects of his Majesty, his heirs or successors, in that part of *Great Britain* called *England*; and every master or owner, navigating or working in his own ship or vessel, whether employed on the high sea, or coasts of the same, or in any port, bay, or creek (other than such apprentices, under the age of eighteen years, as are exempted from payment of six pence *per* month to the said royal hospital at *Greenwich*, by an act made in the second year of the reign of her late majesty Queen *Anne*, for the increase of seamen, and better encouragement of navigation, and security of the coal trade; and such person or persons as shall be employed in any boat, upon any of the coasts of that part of *Great Britain* called *England*, in taking of fish, which are brought fresh on shore; and every person and persons employed in boats or vessels,

Apprentices excepted, &c.

vessels, that trade only from place to place within any river of that part of *Great Britain* called *England*, or in any open boats upon the coasts of the same; and pilots employed on board any ship or vessel) shall, from and after the twenty ninth day of *September*, one thousand seven hundred and forty seven, pay, and there shall be allowed and paid by every such master, owner, seaman, or other person employed, or that shall be employed, six pence *per* month of lawful money of *Great Britain*, and proportionably for a lesser time, during the time he or they shall be employed in, or belong to, the said ship or vessel, for the uses and purposes aforesaid.

XVIII. And it is hereby declared and enacted, That the master, owner, or commander of every such merchant or private ship or vessel, is hereby impowered and required to deduct and detain out of the wages, shares, or other profits, payable or accruing to such seaman, or other person employed in his ship or vessel, the said duty of six pence *per* month (other than for such apprentices, and other persons, as are before excepted) and shall pay the same to such officer or officers as shall on that behalf be appointed by the said president and governors, or the trustees to be appointed at any of the out-ports, and their successors, for the collecting, recovering, and receiving the said duty of six pence *per* month respectively, if such seaman, or other person, shall have or be intitled to any such wages, shares, or profits.

Masters to keep 6d. per month, out of seamens pay; and pay the same to the receiver.

XIX. And be it further enacted, That it shall and may be lawful for the said president and governors, and their successors, at a full court of assistants, or committees, to appoint such person or persons as they shall think fit, to be receiver or receivers of the said duty at the port of *London*; and also depute and appoint the collectors, or other officers of the customs of his Majesty, his heirs or successors, in the several out-ports of that part of *Great Britain* called *England*, or such other persons as they shall think fit, to collect and receive the same (except in such out-ports where separate trustees shall be appointed by virtue of this act;) which said receivers, as also the said collectors and officers of the customs (if so appointed) are hereby impowered and required to collect, receive, and pay over the said duty, according to such instructions and directions as shall be, from time to time, sent to them in writing by the said president and governors, and their successors: and for the care and pains therein of the said collectors, and other officers of the customs, and others to be appointed to collect, recover, and receive the said duty, it shall and may be lawful for the said president and governors, and their successors, at such court of assistants, or committees, to make such allowance to them, out of the said duties, as they shall judge reasonable.

Receivers to be appointed for the port of London; and out-ports.

Salaries to be appointed them.

XX. And be it further enacted by the authority aforesaid, That every master, commander, or owner of any merchant ship, or any other private ship or vessel, navigating the same, or such other person who shall have the care thereof, shall keep a book by way of a muster roll; in which shall be entered his own christian

Masters to keep a muster-roll;

christian and surname, and the christian and surnames of all the officers, seamen, or other persons employed in such ship or vessel, with the usual place of their abode when on shore; and over against each name, the time when, and place where, such seaman, or other person, entered into the service of such ship or vessel; and in what ship or vessel he performed his last voyage; a duplicate whereof shall be signed by the said master, commander, owner, or other person having the care of such ship or vessel, and shall be delivered before the departure of such ship or vessel, to the receiver or collector of the said duties, at the respective port to which such ship or vessel doth belong; and such master, commander, owner, or other person having the care of such ship or vessel, shall continue to keep such book by way of muster-roll, during the whole course of the voyage, and shall, from time to time, enter therein, when and where any such master, officers, seamen, or other person shall be discharged from, or shall leave or desert such ship or vessel, and when and where any other officers or men shall be shipt on board, describing them in the like manner as the persons who first entered on board are before directed to be described; and when and where any of them received any hurt or damage, or were killed, slain, or drowned, in case there shall be any such; a duplicate of which continuation of the muster-roll shall be likewise signed by the said master, commander, or other person having the care of the ship or vessel, and shall be delivered at the return of such ship or vessel to the receiver or collector of the said duties, at the respective port to which such ship or vessel does belong; and true copies of the said duplicates shall be made by such receiver or collector, which shall be filed and kept by him; and the original duplicates shall be transmitted by such receiver or collector to the president and governors aforesaid, to be, by such officer as shall be appointed for that purpose, filed and kept: and in case such master, commander, or other person, shall neglect to keep such book or muster-roll, or shall neglect or refuse to deliver such duplicates as aforesaid; and in case such receiver or collector shall neglect to make, keep, and file such copies thereof, or neglect or refuse to transmit the duplicates which shall be delivered to him as aforesaid, to the said president and governors; they shall severally and respectively forfeit and pay, for every such offence or offences, the sum of twenty pounds of lawful money of *Great Britain*.

and deliver duplicates to the collectors.

Muster-roll to be kept during the voyage;

Duplicate to be delivered to the collector.

Copies to be filed, and the originals transmitted to the governors;

Penalty 20l.

XXI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said collectors and receivers, for the better discovery of what shall be due from the persons serving on board, or belonging to any merchant ship, or other private ship or vessel aforesaid, by warrant under his or their hand or hands, to summon all such masters and commanders, or (in their absence) such owner or owners of such ship and vessel, to be and appear at the office of the said collectors or receivers respectively (so as the persons so summoned be not obliged to travel above ten miles for the making such appearance;) which said collectors and receivers are hereby impower-

Collectors to summon masters,

ed

ed and directed to examine every such master and commander, or owner or owners, upon oath (which oath such collectors and receivers, and every of them respectively, are hereby impowered and required to administer) as to the truth of the copy of such book or muster-roll, and as to the number and times of service of all and every person and persons belonging to, or employed in, such ship or vessel, who are liable to, or chargeable with, the said sum of six pence *per* month; and if such masters or commanders, or (in their absence) such owners, or any of them, shall refuse or neglect, when so summoned, to appear before the said respective persons hereby impowered to examine them in manner as aforesaid; or if they appear, and obstinately refuse to make full and true discovery of the matters aforesaid, upon their several oaths; then, and in every such case, all and every such offender or offenders, for every such refusal, shall forfeit the sum of twenty pounds of lawful money of *Great Britain*.

and examine them upon oath.

Masters, &c. not appearing, &c.

forfeit 20l.

XXII. And, for the more easy and effectual collecting the said six pence *per* month of and from the masters, commanders, and owners of merchant ships or vessels that are or shall be hired or employed by the commissioners, or other officers of the navy, victualling, ordnance, customs, post-office, or other publick offices, for or in the service of his Majesty, his heirs or successors; be it further enacted by the authority aforesaid, That the secretaries or chief clerks of the aforesaid offices, or any other publick offices of the crown, usually hiring or employing ships or vessels for or in the service of his Majesty, his heirs or successors, shall, and they are hereby respectively required to deliver a duplicate of the list or account of the number and names of such ships so hired or employed, and of the names of the masters, commanders, and owners of every such ship or vessel respectively, and of the numbers of seamen, or other persons employed in such ship or vessel, to the receiver or collector of the said duty of six pence *per* month at the port of *London*, or any of the out-ports to which such ship or vessel does respectively belong, granted by this act, as is by virtue of an act made in the second year of the reign of his present Majesty, to be delivered to the receiver or collector at the said port of *London*, of the duty of six pence *per* month given towards the support of the said royal hospital at *Greenwich*; and the said secretaries, chief clerks, and also all and every other officers of or belonging to the said offices, and the masters, commanders, and owners of any ships or vessels hired and employed, or to be hired or employed by them, or any of them, are hereby also required to do every other act, matter, or thing, for the due and effectual payment of the said six pence *per* month hereby granted, as is directed and required to be done by the said act of the second year of the reign of his present Majesty, for the effectual payment of the duty of six pence *per* month granted to the said royal hospital; and the said secretaries, chief clerks, or other officers, or any of them, and the said masters, commanders, and

Clerks of the offices hiring ships for his Majesty's service, to deliver duplicates of the ships and crews to the collector.

2 Geo. 2. c. 7.

and owners of any ships or vessels hired and employed by them, or any of them, shall be subject and liable to the like penalties and forfeitures for any default, neglect, or omission, that shall be made in any of the acts, matters, or things, hereby required to be by them respectively done and performed, or for acting contrary to the directions of this act, as they are subject and liable to by virtue of the said act of the second year of the reign of his present Majesty, for any default, neglect, or omission, in any of the acts, matters, or things required to be done and performed by, or for acting contrary to, the directions of the said act.

under the penalties of the said act.

Masters to pay the 6d. per month to the collector of the port where the ship belongs.

XXIII. And be it further enacted by the authority aforesaid, That all and every the masters, commanders, and owners of all merchant ships, and other private ships and vessels whatsoever, by this act made liable to the payment of the said duty of six pence *per* month, shall pay all such monies as shall from time to time be due from them, and every of them respectively, to the collectors and receivers to be appointed in pursuance of this act, for or on account of the said duty, at the ports only to which such ships or vessels do respectively belong, and before any such ships or vessels shall be cleared inwards, by the officers of the customs of his Majesty, his heirs or successors, in any of the ports of that part of *Great Britain* called *England*; and that no customer, collector, comptroller, receiver, surveyor, searcher, waiter, or other officer whatsoever, of or belonging to the customs of his Majesty, his heirs or successors, shall at any time hereafter clear inwards any merchant ship, or other private ship or vessel whatsoever, by this act made or declared liable to the payment of the said duty of six pence *per* month, or grant any warrant, or give or grant out any cockets, transires, returns, or discharges, unto or for any such ship or vessel whatsoever, or shall permit or suffer any such ship or vessel to go out of any of the ports before mentioned, until the said master, commander, or owner or owners of every such ship or vessel respectively, shall and do produce and shew forth, unto such officer or officers, an acquittance or certificate signed by the said receiver or receivers, collector or collectors of the said duties, whereby it shall appear that such master, commander, or owner or owners, have duly and fully paid and discharged the said duty, and that he or they is or are not more than three months in arrear for the same, or that they are exempted from the payment of the said duty by virtue of the exceptions herein contained; and every master, commander, and owner of any such ship or vessel, who shall refuse or neglect to pay the said duty of six pence *per* month, in the manner, and within the time herein before mentioned, limited, and appointed, for payment thereof, and also every customer, collector, comptroller, receiver, surveyor, searcher, waiter, and other officers of the customs, who shall make default in any of the premisses enjoined them respectively by this act, or shall in any wise act contrary to the directions herein before mentioned, shall, for every such refusal, neglect, default, or

Vessel not to be cleared till the duty paid.

Masters and other officers making default,

or act, forfeit the sum of twenty pounds of lawful money of *Great Britain.* forfeit 20 l.

XXIV. And to prevent unnecessary delays in clearing such ships and vessels, be it enacted by the authority aforesaid, That in case the master, commander, or owner of any ship or vessel, shall not produce such acquittance or certificate as aforesaid, to the tide-surveyor when he shall come on board in order to clear such ship or vessel, the tide-waiters on board such ship or vessel shall be continued, until such acquittance or certificate is produced, at the expence of such owner, master, or commander, and not at the expence of the crown. Masters not producing acquittance, Tide waiters to be continued on board at their expence.

XXV. Provided, and be it further enacted by the authority aforesaid, That in all cases wherein by this act an oath is required or appointed to be taken, the solemn affirmation and declaration of the people called *Quakers* shall be accepted instead of such oath, in such manner and form, as by the laws and statutes of this kingdom is directed and appointed; and if any such *Quaker* shall refuse to make such solemn affirmation and declaration, in any case wherein any other person is hereby required to take an oath, every such *Quaker* so refusing, shall, for every such offence, be subject to the like forfeitures and penalties, as any other person refusing to take an oath is made liable to by this act; and in case any such *Quaker* shall, upon his solemn affirmation or declaration, affirm or declare any matter which shall be false; or if any other person, before any such collector, receiver, or other person, hereby authorized to administer oaths, shall wilfully make a false oath, every such *Quaker*, or other person, being thereof lawfully convicted, shall, for every such offence, suffer and be liable to the like fines, pains, penalties, and punishments, as persons convicted of wilful and corrupt perjury are subject and liable to by the laws of that part of *Great Britain* called *England.* Affirmation of Quakers. Penalty on their refusing, and on false affirming, and swearing.

XXVI. And it is hereby further enacted by the authority aforesaid, That the charges, costs, and expences, in and about procuring and obtaining this act of parliament, shall be paid out of the first monies to be raised and contributed by virtue hereof, at the port of *London.* Charges of this act.

XXVII. *And whereas the masters, commanders, and other officers and seamen, employed in ships or vessels belonging to persons residing at some of the out-ports of this kingdom, may be desirous of having the six pence* per *month to be allowed and paid by them out of their wages, by virtue of and for the purposes of this act, to be under the direction and management of persons residing in or near to such out-ports respectively*; therefore be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty seven, it shall and may be lawful to and for the owners of, and the masters and commanders employed on board the ships and vessels belonging to persons residing at any of the said out-ports, to assemble and meet, at any proper time and place within the limits of the said out-ports, that shall be by any five or more of them appointed, Owners and masters of ships of out-ports, to meet.

by giving ten days previous notice to be fixed at the custom-house wharf, key, or any other publick place, at such respective out-port; and such owners, masters, and commanders, or the greater part of them, being so assembled as aforesaid, are hereby authorized and impowered, from time to time, to nominate and appoint, by an instrument in writing under their hands and seals, fifteen persons to be trustees for such out-port, for receiving, collecting, and applying the said six pence *per* month, to be allowed, collected, and received by virtue of this act, at such respective out-port, for relief and support of the seamen employed on board the ships or vessels belonging to such persons respectively, and their widows and children, as shall be intitled thereto by virtue of this act; which said trustees shall continue to the twenty sixth day of *December* next after such election, and until new trustees are nominated, appointed, and confirmed: and that within ten days after every twenty sixth day of *December* yearly, the owners, masters, and commanders at such respective out-ports, shall have power to meet and choose fifteen persons to be trustees for the year ensuing, by an instrument in writing under the hands and seals of the owners, masters, and commanders, or the majority of them so assembled, having given previous notice as aforesaid; which said respective trustees shall continue, from time to time, until new trustees are nominated, appointed, and confirmed; which instrument shall be sent to the said president and assistants, or committees, who are hereby authorized and required to confirm the same under the common seal of the said corporation, without fee or reward, within ten days after the receipt thereof: which said trustees, when they shall be so confirmed as aforesaid, whereof five shall be a quorum, shall be vested with, and have the same powers and authorities to make by-laws, and to revoke or alter the same, and for taking, receiving, and applying any sum or sums of money which shall be contributed, devised, or bequeathed by any well-disposed persons; and for appointing receivers and other officers; and for collecting, recovering, receiving, paying, and applying the said six pence *per* month, to be allowed and paid by the seamen, or others serving on board any ship or vessel belonging to such persons respectively at such out-ports, as are given and granted by this act, to the president and governors aforesaid, according to such rules, orders, and regulations as are or shall be established by virtue, and in pursuance of this act; and the said receivers, and other officers, shall have the same powers and authorities as the other receivers and officers to be appointed in pursuance of this act, and shall be subject and liable to the same penalties and forfeitures; any thing herein contained to the contrary thereof in any wise notwithstanding.

and appoint trustees for the duties;

who are to continue till 26 December. New trustees to be chosen yearly.

Instrument of the election to be sent to the president, &c.

Five trustees impowered to make by-laws; and appoint officers in the out ports.

XXVIII. *And whereas by letters patent, bearing date the eighteenth day of* December, *in the sixth year of the reign of the late King* Edward *the sixth, certain merchants therein named, and their successors, residing at the city and port of* Bristol, *are incorporated by the name of* The master, wardens, and commonalty of merchants-ven-

turers of the city of *Bristol*; *which said society of merchants are willing, for the benefit of the seamen employed on board ships and vessels in the service of merchants, and other traders belonging to the said city and port, to undertake the collection and application of the said six pence* per *month, to be paid at the city and port; and also to receive and apply any donations that well-disposed persons may give for the relief and support of such seamen, as shall be maimed and disabled, and for the widows and children of those who shall be killed, slain, or drowned in the service of the said merchants and traders*; therefore be it further enacted by the authority aforesaid, That the master, wardens, assistants, and treasurer of the said incorporated society for the time being, shall be trustees, and shall have, and be vested with the like powers and authorities for collecting, recovering, receiving, and applying the said six pence *per* month, to be allowed, collected, and received by virtue of this act, at the said city and port; and for taking, receiving, and applying any sum or sums of money which shall be contributed, devised, and bequeathed by any well-disposed persons for relief and support of the seamen employed on board the ships or vessels belonging to the merchants or traders residing at the said city and port, and their widows and children, as shall be entitled thereto by virtue of this act; and to appoint receivers, and other officers for the purposes aforesaid, as are given and granted by virtue of this act, to the president and governors aforesaid, according to such rules, orders, and regulations, as are or shall be established by virtue of this act; and such receivers, and other officers, shall have the same powers and authorities as the other receivers and officers to be appointed by virtue of this act, and shall be subject and liable to the like penalties and forfeitures; and the said master, wardens, assistants, and treasurer, shall also have power to take and receive any lands, tenements, and hereditaments, in such manner, and for the like purposes only, as the said president and governors are by this act impowered to take and receive lands, tenements, and hereditaments; any thing herein contained to the contrary thereof in any wise notwithstanding.

Merchants-venturers of Bristol, trustees for the duties received there, &c.

XXIX. *And whereas the guild or brotherhood of masters and pilots, seamen of the* Trinity house *of the town and port of* Kingston upon Hull, *are willing, for the benefit of the seamen employed on board ships and vessels in the service of merchants and other traders belonging to the said town and port, to undertake the collection and application of the said six pence* per *month, to be paid at the said town and port; and also to receive and apply any donations that well-disposed persons may give for the relief and support of such seamen as shall be maimed and disabled, and of the widows and children of those who shall be killed, slain, or drowned in the service of the said merchants and traders*; therefore be it further enacted by the authority aforesaid, That the guild or brotherhood of masters and pilots, seamen of the *Trinity House* of the town and port of *Kingston upon Hull*, for the time being, shall be trustees, and shall have and be vested with the like powers and authorities for collecting, recovering, receiving, and applying the said six pence

Trinity House of Hull, trustees for the duties, &c. received there, &c.

*per* month, to be paid at the said town and port; and for taking, receiving, and applying any sum or sums of money as shall be contributed, devised, or bequeathed by any well-disposed persons, for the relief and support of such seamen, and their widows and children, as shall be intitled thereto, by virtue of this act; and for appointing receivers, and other officers, for the purposes aforesaid, as are given and granted by virtue of this act, to the president and governors aforesaid, according to such rules, orders, and regulations, as are or shall be established by virtue of this act; and such receivers and other officers shall have the same powers and authorities as the other receivers and officers, to be appointed in pursuance of this act, and shall be subject and liable to the like penalties and forfeitures; any thing herein contained to the contrary thereof in any wise notwithstanding.

Collectors of out ports, to deliver duplicates to the trustees of the out-ports.

XXX. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to oblige the receivers or collectors of the said duty, to be appointed by the trustees of any of the said respective out-ports, to send the duplicates of the books or muster-rolls hereby directed to be delivered to such receivers or collectors, by the master, or other person having the care of any ship or vessel, to the said president and assistants, or committees; but such duplicates shall be delivered by such collector or receiver, after making and filing copies thereof, to the said trustees respectively, to be by them filed and kept for their use and inspection.

Seamen not paying the duty, not to be benefited.

XXXI. Provided always, and it is hereby declared, That no seaman or other person employed on board any merchant ship, or other private ship or vessel, shall be intitled to have or receive any provision or benefit by virtue of this act, at the port of *London*, or any out-port, but those who are subject and liable to, and shall pay the said duty of six pence *per* month as aforesaid, at the said port of *London*, or out-ports respectively.

Those who have served, &c. longest, to be first provided for.

XXXII. Provided also, and be it declared, That those seamen who shall have been longest in the said service, and contributed most towards the said duty, shall be first provided for as worn out or decrepit.

Maimed seamen,

XXXIII. *And whereas it may happen that seamen or other persons employed on board ships or vessels, may, by accident in loading or unloading the same, or otherwise in doing their duty on shore, as well as on board such ships or vessels, receive such hurt or damage, that it may endanger their lives, to send them to the port to which the ships or vessels do respectively belong*; therefore be it further enacted by the authority aforesaid, That in case any seaman, or other person employed on board any ship or vessel, shall, in doing his duty on shore, or on board any such ship or vessel, break an arm or leg, or be otherwise hurt or maimed, so that immediate care is necessary to be taken of him, it shall and may be lawful for the said president and governors at the port of *London*, and the respective trustees for the out-ports, and they are hereby required to provide proper relief for such seaman or other person

that shall be so hurt or maimed, until he shall be so well recovered of such hurt or damage, as to be removed and sent with safety to the respective port to which such ship or vessel does belong; and the expence of removing and sending such seaman or other person to such respective port, not exceeding two pence *per* mile, shall be paid by the said president and governors at the port of *London*, or by the trustees for the respective out-port to which such seaman or other person shall be so removed and sent; any thing herein contained to the contrary thereof in any wise notwithstanding.

till they can be removed to the port where the vessel belongs; and per mile allowed them.

XXXIV. And be it further enacted by the authority aforesaid, That in case any seaman, or other person, shall serve five years or more, on board merchant or other private ships or vessels, belonging to different ports, and shall have paid the six pence *per* month for that time, and shall become decrepit and worn out, and adjudged, either by the said president and assistants, or the respective trustees, a proper object of relief, such person shall be provided for and relieved at the respective port where he shall have contributed and paid the greatest part of the said duty of six pence *per* month for the last five years of his service; any thing herein contained to the contrary thereof in any wise notwithstanding.

Disabled seamen having served and paid 5 years, to be provided for where they have contributed most.

XXXV. *And whereas it may happen that seamen employed in the merchants service, within the limits of this act, may be shipwrecked, or taken by the enemies of his Majesty, his heirs and successors, and on their return from imprisonment, may be travelling with passes to the place of their respective abodes*; be it enacted by the authority aforesaid, That it shall and may be lawful for the said president and governors, or the respective trustees, if they think fit, to relieve any such seaman in such manner as they shall think proper, any thing in this act contained to the contrary thereof in any wise notwithstanding.

Seamen shipwrecked, or prisoners, to be relieved.

XXXVI. *And whereas there may be some circumstances wherein the certificates herein before-mentioned cannot be obtained*; be it therefore further enacted by the authority aforesaid, That in all cases where the certificates directed to be produced by this act cannot be obtained, such other certificates as shall be satisfactory to the said president and governors, or trustees respectively, shall be received and allowed of, to intitle the party producing the same to the pensions or other relief provided by this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Where certificates cannot be had, others to be allowed.

XXXVII. *And whereas the united company of merchants of* England *trading to the* East Indies, *have, at their own expence, constantly provided for such seamen employed by them as have been rendered incapable of present or future service, by sickness, wounds, or other accidental misfortunes, and for the widows and children of such seamen as have been killed, slain, or drowned in their service, and have established a sufficient fund for that purpose, and are willing to continue such provision, and are therefore desirous that the officers and seamen employed in their service, and the servants and apprentices of*

*such officers, may be exempted from the payment of the six pence* per *month*; be it therefore enacted by the authority aforesaid, That no master or commander, officer, mariner, or seaman, or servant or apprentice of any master or commander, or officer of any ship or vessel, of or belonging unto or employed, or which shall be employed by or in the service of the said united company of merchants of *England* trading to the *East Indies*, during the time they shall be so respectively employed in the said company's service, shall in any wise be liable or subject to the said duty or payment of six pence *per* month; but that every such master or commander, officer, mariner, or seaman, and every servant and apprentice of such master or commander, or officer of any ship or vessel of or belonging unto, or employed by or in the said company's service as aforesaid, shall, during the time of such service, be totally exempt from the payment thereof; any thing in this act contained to the contrary notwithstanding.

Seamen in the India company's service exempted;

and excluded.

XXXVIII. Provided always, That no master or commander, officer, mariner, or seaman, or any servant or apprentice of any master or commander, or officer employed in the service of the said united company, shall have or be intitled to any benefit by this act, for or in respect of any incapacity by sickness, wounds, or other accidental misfortune happening unto them, during the time of their being employed in the said company's service; nor shall the widows or children of such seamen as shall be killed, slain, or drowned in the service of the said united company, be intitled to any benefit or relief by or from this act, by reason or means of any such seaman's being killed, slain, or drowned during the time they shall be employed in the said company's service as aforesaid.

Forfeitures how to be recovered, and applied.

XXXIX. And be it further enacted by the authority aforesaid, That all and every the pecuniary forfeitures and penalties which shall be incurred by virtue of this act, or any clause therein contained, shall be sued for and recovered in any of his Majesty's courts of record, in that part of *Great Britain* called *England*, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and if a verdict shall pass for the plaintiff in any such action, bill, plaint, or information, then such plaintiff shall have and be allowed double costs of suit; and that one moiety of all and every the said forfeitures and penalties, when recovered, shall go and be applied to the uses and purposes of this act, and the other moiety to the use of such person as shall sue for the same in manner aforesaid.

Double costs.

Publick act.

Limitation of actions.

XL. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act, and shall be judicially taken notice of as such by all judges, justices, and others, without specially pleading the same; and if any action shall be brought, or suit commenced against any person or persons, for any thing done in pursuance of this act, or in relation to the premisses, or any of them; every such action or suit shall be laid or brought within three months next after, in the county or place where the fact was done, and not elsewhere; and the defendant

defendant or defendants, in such action, may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if the same shall appear to have been so done, or if any such action or suit shall not be brought within the time before limited, or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, the said defendant or defendants shall have double costs, and shall have such remedy for recovering the same, as any defendant or defendants hath or have for costs in other causes by law.

General issue.

Double costs.



## CAP. XXXIX.

*An act for granting a duty to his Majesty, to be paid by distillers, upon licences taken out by them for retailing spirituous liquors.*

WHEREAS *by an act of parliament made and passed in the sixteenth year of the reign of his present Majesty, intituled,* An act for repealing certain duties on spirituous liquors, and on licences for retailing the same; and for laying other duties on spirituous liquors, and on licences to retail the said liquors; *it was, amongst other things, enacted, That no person or persons should, from and after the twenty fifth day of* March, *one thousand seven hundred and forty three, presume to retail any brandy, rum, arrack, usquebaugh, geneva,* aqua vitæ, *or any other distilled spirituous liquors, or strong waters unmixed, or mixed with themselves, or any other ingredients, without first taking out a licence from his Majesty's commissioners of excise for so doing, in manner as was therein directed and appointed, and upon payment of the sum of twenty shillings yearly for such licence, under the penalties in the said act contained; and no licences were thereby allowed to be granted for retailing, except to such persons only who should keep taverns, victualling-houses, inns, coffee-houses, or ale-houses; and it was therein also enacted, That no person should be deemed, or taken to be a retailer of spirituous liquors, who did not retail in less quantities than one pint: and whereas by another act of parliament made and passed in the seventeenth year of his Majesty's reign, intituled,* An act for granting to his Majesty the surplus or remainder of the monies arisen, or to arise, by the duties on spirituous liquors, granted by an act of the last session of parliament; and for explaining and amending the said act, in relation to the retailers of such liquors; and for establishing an agreement with the united company of merchants of *England* trading to the *East Indies*; *it was, amongst other things, enacted, That from and after the twenty fourth day of* June, *one thousand seven hundred and forty four, every person who should retail any spirituous liquors, mixed or unmixed with any ingredients, in less quantity than two gallons (except such persons only as by the said act of the fixteenth*

16 Geo. 2. c. 8.

17 Geo. 2. c. 17.

*sixteenth year of his present Majesty, were authorized and impowered to take out licences for that purpose) should be deemed a retailer of spirituous liquors within the meaning of the same, and as such, forfeit and lose the sum of ten pounds for every such offence: and whereas the restrictions and penalties in the said acts contained, have been found to be inconvenient, so far as relates to honest reputable distillers, and the alteration thereof, in that particular, will also tend to the benefit of his Majesty's revenue:* we your Majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, do give and grant unto your Majesty the rates and duties on certain persons to be hereby authorized to retail spirituous liquors herein after mentioned; and do most humbly beseech your Majesty, that it may be enacted; and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty seven, it shall and may be lawful to and for the several distillers within the cities of *London* and *Westminster*, borough of *Southwark*, or weekly bills of mortality, to take out licences from his Majesty's commissioners of excise, for retailing brandy, rum, arrack, usquebaugh, geneva, *Aqua vitæ*, or any other spirituous liquors or strong waters; and the said commissioners of excise are hereby authorized, impowered, and required to grant such licences to every distiller and distillers, within the limits aforesaid, who shall apply for the same, upon payment of five pounds for every such licence, to be raised, levied, collected, and paid to his Majesty, his heirs and successors; and the same to be renewed yearly, upon payment of the like sum of five pounds, and to the same uses, intents, and purposes, and such licences to be taken out in the same manner, and subject to the like penalties for retailing without licence, as are directed, appointed, and enacted by the above-mentioned act of the sixteenth year of his present Majesty.

Distillers within the bills of mortality may take out licences,

upon payment of 5 l. yearly.

*This duty repealed by* 24 Geo. 2. c. 40.

II. Provided always, That no more than one licence shall be granted to any distiller or distillers in partnership, whereby to authorize him, her, or them to retail any spirituous liquors, or strong waters, within the intent and meaning of this act; and that no such distiller or distillers shall be allowed to take out a licence by the authority of the same, unless he, she, or they, inhabiting within the city of *London*, are respectively rated, and do pay church and poors rates for the value of twenty pounds *per annum*, and inhabiting in any other parts within the weekly bills of mortality, for the value of ten pounds *per annum*, in the parish or place where he, she, or they shall exercise the trade of distilling; and if any licences shall be granted otherwise, or to any other persons than as aforesaid, the same are hereby declared void to all intents and purposes.

Distillers in partnership to have but one licence.

Qualification for licences.

III. And be it further enacted by the authority aforesaid, That no distiller or distillers shall, by virtue of any such licence, retail

Penalty on distillers re-

tail any spirituous liquors, or strong waters, in any other place or places than in his, her, or their own public shop and shops only, and in no more than one shop by virtue of any one licence, under pain of forfeiting for every such offence the sum of ten pounds.

tailing liquors, but in their shops, &c.

IV. And the better to prevent tippling, or any other disorders being committed, under colour or pretence of the liberty by this act granted, be it enacted by the authority aforesaid, That if any distiller or distillers, licenced and authorized by virtue of this act, shall at any time, from and after the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty seven, by him, her, or themselves, or by any other person or persons employed by him, her, or them, sell or vend any spirituous liquors to be drank in his, her, or their shop or shops, houses, or other places thereunto belonging, or shall wilfully suffer or permit any person or persons to drink or tipple any such liquors in any the places aforesaid, every distiller or distillers so offending shall, for every such offence, forfeit and pay the sum of ten pounds; all which penalties and forfeitures shall be sued for, levied, recovered, and mitigated by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of excise; the one moiety whereof shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, and prosecute for the same.

Penalty on permitting tippling in their shops, &c.

Penalties how to be recovered and applied.

V. And be it further enacted by the authority aforesaid, That every person and persons who shall, from and after the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty seven, be found drinking or tippling in the house, shop, or other place belonging to any distiller or distillers, contrary to the true intent and meaning of this act, shall, for every such offence, severally forfeit and pay the sum of twenty shillings, to be recovered and levied by way of complaint, to be made within three weeks after such offence or offences shall be committed, before one or more of his Majesty's justices of the peace for and near the place and places where the same shall happen, who is and are hereby required to summon before him or them the party or parties so offending, and in default of appearance, to issue warrants for apprehending such offender or offenders, and then proceed to examine such complaint upon oath (which oath he and they are hereby authorized to administer) and upon due proof of such offences, by the oath or oaths of one or more credible witness or witnesses, to convict the offender or offenders accordingly; and in case such forfeitures shall not be forthwith, after such conviction or convictions, paid, that then the same shall be levied by distress and sale of such offender's goods and chattels, by warrant or warrants under the hand and seal, or hands and seals of such justice or justices, rendering the overplus, if any, to such offender or offenders; and such forfeitures when levied, shall go and be applied to and for the use of the poor of the parish where such offence or offences shall be committed;

Penalty on persons found tippling in distillers shops, &c.

committed; and for want of sufficient distress, such offender or offenders shall be committed to the house of correction, for any time not exceeding two months, and not less than fourteen days, there to be kept to hard labour; and no person or persons so to be convicted, shall be capable of receiving any part of the penalties or forfeitures incurred by the distiller or distillers who shall sell or vend any such liquors so to be drank or tippled; any thing herein contained to the contrary thereof in any wise notwithstanding.

## CAP. XL.

*An act to revive, continue, and amend an act made in the ninth year of the reign of his late majesty King* George *the First, intituled,* An act for clearing, depthening, repairing, extending, maintaining, and improving the haven and piers of *Great Yarmouth*; and for depthening and making more navigable the several rivers emptying themselves at the said town; and also for preserving ships, wintering in the said haven, from accidents by fire.

WHEREAS *the ancient borough of* Great Yarmouth *in the county of* Norfolk, *hath, by long experience, been found to be of great importance, for advancing his Majesty's service and revenue, and trade in general, and more especially the fishery, and for educating and employing many thousands of skillful mariners and seamen: and whereas the inhabitants of the said borough, being unable to support the great and unavoidable charge of clearing, repairing, and maintaining the haven and piers belonging to the said borough, have, from time to time, been aided and relieved by several successive acts of parliament: and whereas an act was made in the ninth year of the*
9 Geo. 1. c. 10. *reign of his late majesty King* George *the First (of glorious memory) whereby several duties were granted for clearing, depthening, repairing, extending, maintaining, and improving the said haven and piers; and for depthening the channel of that part of the river* Yare *called* Braydon; *and for making more navigable the said river* Yare, *and the rivers* Waveney *and* Bure, *which empty themselves into the haven of the said town of* Yarmouth; *and for repairing the bridge and publick keys belonging to the said town; and also for preserving ships wintering in the said haven; which act being expired, the said haven and piers have of late been, and still continue to be in so bad a condition, that the great sums of money already expended in and about the same, will prove useless, and the said haven and piers inevitably fall soon into irreparable decay, unless timely and effectual provision be made by parliament to prevent the destruction thereof:* to the end therefore that the said haven and piers may be preserved and kept in repair; and that the channel of that part of the river *Yare* called *Braydon*, leading from *Great Yarmouth*, to the city of *Norwich*; and so much of the said river *Yare*, as lies between the new mills in *Norwich* and *Hardly Cross* in *Hardly*, in the county of

of *Norfolk*; and also the rivers *Waveney* and *Bure*, commonly called the *North River*, may be depthened and made more navigable for boats and keels usually passing upon the same; be it enacted, *&c.*

The duties granted by the recited act made payable for 2 years. The powers and clauses, &c. of the recited act revived. Twelve commissioners to be elected. Collectors to account to them. Commissioners to inspect the accounts of the monies due at the expiration of the recited act.

## CAP. XLI.

*An act for vesting in his Majesty the estates of certain traitors, and for more effectually discovering the same, and applying the produce thereof to the use of his Majesty, and for ascertaining and satisfying the lawful debts and claims thereupon.*

WHEREAS *a most desperate and bloody war and rebellion hath been levied and raised against his Majesty, in favour of the pretender to his crown, headed by the eldest son of the said pretender, and assisted by a body of troops, furnished by the enemies of his Majesty and his kingdoms, in which a number of his Majesty's subjects, contrary to their duty and allegiance, have been wickedly and traiterously engaged; and it being highly reasonable, that the estates, real and personal, of the rebels and traitors, who have been or shall be duly attainted as guilty of, or engaged in the said rebellion, should be discovered and applied to the use of his Majesty, in the most speedy and effectual manner; and that due provision be made for the satisfaction of all just and lawful claims, which any of his Majesty's dutiful and loyal subjects may have to, upon, or out of the estates of such rebels and traitors*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every the lands and heretages, debts, or sums of money, and goods or chattels whatsoever, and generally the estates, goods, and effects, heretable and moveable, real and personal, descendible to heirs or executors, jurisdictions, life-rent rights, or of what nature or kind soever they be, in that part of *Great Britain* called *Scotland*, or elsewhere, whereof any person or persons, who, since the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty five, hath or have been attainted, or, before the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty eight, shall be attainted by any laws or statutes of this realm of high treason, for levying war within this realm, or for conspiring the death of his Majesty, or for any other high treason whatsoever, committed before the said twenty fourth day of *June*, one thousand seven hundred and forty eight, within *Great Britain*, or elsewhere, was, were, or shall have been seised or possessed of, or interested in, or intitled unto on the twenty fourth day of *June*, one thousand seven hundred and forty five, or at any time afterwards,

The estates real and personal of certain traitors vested in his Majesty.

wards, in his, her, or their own right, or to his, her, or their own use, or whereof any other person or persons was, were, or shall have been seised or possessed of, or interested in, or intitled unto, to the use of, or in trust for them, or any of them, shall, according to the several and respective estates and interests, which the said person or persons, attainted or to be attainted, within such days and times as aforesaid, or any in trust for them, or any of them, had or shall have had therein as aforesaid, or did or might forfeit by such attainder, stand and be forfeited to his Majesty, his heirs and successors, and shall be deemed, vested, and adjudged, and are hereby declared and enacted to be in the actual and real possession of his Majesty, without any office or inquisition thereof hereafter to be taken or found, and without any declarator of forfeiture to be obtained.

II. And to the end that all the estates of the said traitors, of what nature soever, within that part of *Great Britain* called *Scotland*, hereby, or otherwise vested, or hereby intended to be vested in his Majesty, and the yearly and other values thereof, and all incumbrances thereupon, may be the better discovered, known, described, and ascertained, and that the rents, issues, and profits thereof may be recovered and brought in for the use of his Majesty, and that due examination be taken, and satisfaction made of all just and lawful claims to, upon, or out of the said estates, or any of them; be it further enacted by the authority aforesaid, That the lord chief baron, and other barons of the court of exchequer in *Scotland* for the time being, or any three or more of them, are hereby authorized, impowered, and required to inquire into all such estates, both real and personal, within that part of *Great Britain* called *Scotland*, as are hereby, or otherwise vested, or hereby intended to be vested in his Majesty; and to cause all and every the rents, issues, and profits of the said real estates, until sale thereof, to be effectually levied and paid unto the receiver-general of his Majesty's land rents, and casualties in *Scotland*, for the time being, who is hereby required to pay the same forthwith into the receipt of his Majesty's exchequer at *Westminster*, for his Majesty's use; and to account for the same in like manner, as other publick monies received and paid by him into the said receipt, are accounted for by him; and to levy, raise, secure, and cause to be sold, all such goods, debts, and personal chattels and estates, within *Scotland*, as are hereby, or otherwise vested in his Majesty, and to sell the said real estates, after the claims relating to such estates respectively shall be determined, or otherwise dispose of the same in the manner herein after provided; and out of the rents and produce of the said estates, real or personal, to cause payment or satisfaction to be made of such sums of money, as shall be due to any claimants upon the same; and in the execution of the premisses, the said barons shall and may proceed in virtue of the power hereby granted to them, in a summary way, without the formalities usually practised or observed in their proceedings, as a court of justice.

Barons of the exchequer in Scotland, to inquire into the forfeited estates;

and to cause the rents to be paid to his Majesty's receiver general, &c.

and the personal estates, &c. to be seized and sold, after claims determined, &c.

Barons to proceed in a summary way.

III. And

III. And for the better enabling the said barons of the said court of exchequer, to put in execution all the several and respective powers and authorities by this act committed to their charge and trust; be it further enacted, That on or before the twenty sixth day of *July*, in the year of our Lord one thousand seven hundred and forty seven, all and every officer and officers who has or have, or shall, before the said day, have the custody of any record or records of the attainder of any such traitor or traitors (other than of such who have been, or shall be attainted by act of parliament) shall transmit, or cause to be transmitted to the King's remembrancer, in the court of exchequer at *Edinburgh*, or his deputy, estreats or certificates under their respective hands, or the hands of their lawful deputies, containing lists of all the persons, who since the twenty fourth day of *June*, in the year one thousand seven hundred and forty five, shall appear by the said records in their respective custody, to have been adjudged to be guilty of high treason; which lists shall contain the names, titles, and additions of such persons, the species of treason, of which, and the respective times, places, and courts, when and where they were so attainted; and after the said twenty sixth day of *July*, the like officers shall, from time to time, cause to be transmitted to the office of the King's remembrancer at *Edinburgh*, the like estreats or certificates, or lists of all other attainders for high treason, had at any time before the twenty fourth day of *June*, one thousand seven hundred and forty eight, and that within the space of thirty days after such attainders; all which estreats, certificates, or lists, the King's remembrancer in the court of exchequer at *Edinburgh*, or his deputy, shall enter in a book to be provided and kept by him for that purpose.

Lists of persons adjudged of high treason, to be transmitted to the King's remembrancer at Edinburgh;

Lists of other attainders to be transmitted,

to be entered in a book.

IV. And it is hereby enacted, That an extract from that book, signed by the said remembrancer, or his deputy, certifying that any person therein mentioned was attainted of high treason, shall be taken and held as sufficient evidence of such attainder in all courts of justice within *Scotland*, so far as may concern the execution of this act, as fully as if the record of such attainder were produced in such courts.

Extract from the book of record to be admitted as evidence.

V. And be it enacted by the authority aforesaid, That the said barons of exchequer, or any three of them, shall, and they are hereby authorized, from time to time, by and with the approbation of the commissioners of his Majesty's treasury, or the high treasurer for the time being, to appoint and employ proper persons to be surveyors, messengers, or other necessary officers for the execution of this act; which surveyors, messengers, and officers respectively, are hereby required faithfully to execute and perform the trust in them respectively reposed, without taking any thing for such their service (other than such fees, salaries, or rewards, as the said barons, or any three of them, by and with such approbation as aforesaid, shall think fit and direct in that behalf) and every such surveyor, messenger, and officer, before he enters on the execution of his employment, shall take the oaths prescribed by the act of the first year of his late Majesty's

The barons to appoint officers for the execution of this act.

Officers fees allowed by the barons.

Officers to take oaths.

jesty's reign, for the further security of his Majesty's person and government, and other purposes therein mentioned; and also an oath for his true and faithful demeanor in all things relating to the trust reposed in him by the said barons, or any three of them; and that he will not, directly or indirectly, receive or take any fee or reward, or expect or accept the promise of any fee or reward, for any thing whatsoever to be done by him in the execution of the said trust (except what shall be settled or allowed by the said barons or any three of them) and that he will not, directly or indirectly, have any part, share, or interest, or make any benefit by any discovery of any forfeited or forfeitable estate or interest whatsoever, intended to be applied to the use of his Majesty, in pursuance of this act, or conceal, or cause or procure to be concealed, the same, or any part thereof.

Salaries and other charges to be paid by the receiver-general.

VI. And be it further enacted by the authority aforesaid, That there shall and may be paid to such person or persons as the said barons, or any three of them, by and with such approbation as aforesaid, shall nominate, by way of imprest, and upon account, for payment of salaries of inferior officers to be employed under them, and for incident charges in or for the performance of the several trusts by this act committed to the said barons, such sums of money, as the said commissioners of his Majesty's treasury, or the high treasurer for the time being, judge to be necessary and reasonable in that behalf, out of such monies as shall, from time to time, be or remain in the hands of the said receiver-general, by virtue of any of the clauses, matters, or things in this act contained; and that the said salaries of inferior officers shall not be liable to any taxes or assessments by any act of parliament made or to be made; any law or statute to the contrary notwithstanding.

Salaries of inferior officers exempted from taxes.

The barons may meet and act without adjournment;

VII. And be it enacted by the authority aforesaid, That the said barons, or any three or more of them, shall and may meet, act, and proceed, from time to time, with or without adjournment, within term time, or without; and shall and may send their precept or precepts for any person or persons whatsoever to appear before them, and for all such books, papers, writings, and records, as they shall think necessary for their information, in any matters or things relating to this act, without any fee, charge, or reward to be paid for the same; and shall and may detain in their custody such books, papers, writings, and records so long as they shall have occasion for the same, and then return such books, papers, writings and records to such persons to whom they respectively belong; and shall and may administer oaths for the better discovery of the truth of the enquiries by them to be made, to any person or persons therein concerned, or to any other person or persons whatsoever; and all sheriffs, stewards, baillies, constables, and other officers and ministers whatsoever, are hereby required to obey and execute such orders and precepts as shall be sent to them, or any of them, by the said barons, or any three of them, as they will answer the contrary at their utmost perils; and the said barons, or any three of them, are hereby impowered and required

and send for persons and papers;

and administer oaths.

required in a summary way, and without the formalities of proceedings in the courts of law or equity, to enquire and inform themselves by and upon the testimony of witnesses, upon oath, examination of persons interested, upon their oaths, inspection and examination of deeds, writings, and records, or by all or any of the said ways and means, or otherwise, according to their discretions, as soon as conveniently may be; and to make a register in books to be provided for that purpose, of the names of all such persons attainted, or to be attainted of high treason, within the times aforesaid, and of all real and personal estates and interests whatsoever by this act, or otherwise vested in his Majesty, for or by reason of such attainder, and by whom any such estate or estates was or were respectively forfeited or forfeitable, and what estate or interest every such person attainted, or to be attainted for high treason as aforesaid, had in any of the premisses on the respective days and times, on or from which they are hereby, or otherwise vested in his Majesty, or at any time afterwards; and by what tenures the same, or any of them respectively, were then holden; and of all incumbrances whatsoever, to which any of the said estates forfeited or forfeitable for high treason, were liable or subject before, and upon the same days and times respectively: and in case any person or persons, summoned to appear before the said barons for discovery of the premisses, shall neglect or refuse to appear, or be examined as aforesaid; then, and in every such case, it shall and may be lawful to and for the said barons, or any three of them, to commit the person and persons so neglecting or refusing as aforesaid, to the common gaol of the county, shire, or stewartry respectively; there to remain without bail or mainprize, until such person or persons shall conform themselves, and submit to be examined as aforesaid: and if any officer or officers shall neglect or refuse to give obedience to the precepts and orders of the said barons, or any three of them, for the due execution of this act, then, and in every such case, it shall and may be lawful to and for the said barons, or any three or more of them, to impose any fine upon such officer or officers, not exceeding fifty pounds sterling, for any one offence; and to commit such officer or officers, till such fine shall be paid unto the said receiver general for the use of his Majesty.

Persons refusing to appear to be committed.

Penalty on officers on default of duty.

VIII. And for encouraging all and every person and persons whatsoever any ways indebted, or liable to pay to any such forfeiting person or persons, any sum of money hereby or otherwise vested in his Majesty as aforesaid, to make a speedy discovery thereof to the said barons, or any three or more of them, and to pay a proportion thereof as this act directs; be it enacted by the authority aforesaid, That every such person who shall make a full and true discovery to the said barons, or any three or more of them, of any concealed debt, or sum of money so due and payable unto any person or persons attainted, or to be attainted of high treason within the days and times afore-

Persons discovering debts, &c. payable to persons attainted,

said (not being a debt by judgment, statute, recognizance, or on any registered bond or contract) and pay two third parts thereof within the respective times following (that is to say) of debts owing to persons attainted before the first day of *May*, in the year one thousand seven hundred and forty seven, on or before the first day of *December*, in the year one thousand seven hundred and forty seven, and of debts owing to persons attainted afterwards, before the expiration of six calendar months after such attainders respectively, unto the said receiver-general, for the use of his Majesty, shall be and are, by force and virtue of this act, released and discharged of the entire debt, or sum of money so due and payable as aforesaid; but all and every person and persons so indebted, or liable as aforesaid, who shall neglect to make such discovery to the said barons, within the respective times aforesaid, shall forfeit double the value of such debt or sum of money; to be recovered by action, bill, suit, or information, to the use of his Majesty as aforesaid; and all and every person or persons who were, or have been, or shall have been possessed of any personal goods or chattels, of or belonging to any such persons attainted, or to be attainted of high treason as aforesaid, when the same became forfeited, or afterwards, or shall be thereof possessed before the first day of *July*, one thousand seven hundred and forty seven, are hereby strictly charged and required to discover and make known the same to the said barons, before the said first day of *December*, one thousand seven hundred and forty seven; and the said barons, or any three or more of them, shall and may thereupon allow to every person discovering the same, such proportion as they shall think reasonable for such discovery, not exceeding one full fourth part of the said personal goods and chattels, or the proceeds thereof; but all and every person and persons, having such goods and chattels in his, her, or their custody and power, and neglecting to discover the same before the said first day of *December*, shall, for such offence, forfeit double the value of such personal goods or chattels, to be recovered for the use of his Majesty as aforesaid; and the said barons, or any three or more of them, are hereby authorized and impowered to make any such compositions or agreements, touching any such debts, or personal goods or chattels so as aforesaid to be discovered, as the said barons, or any three or more of them, shall, in any such case, on due consideration of the nature thereof, or circumstances of the parties concerned therein, think fit and reasonable; which compositions or agreements shall be valid in law, so as the monies payable upon every such composition or agreement be paid unto the said receiver-general for the use of his Majesty, within the respective times allowed by the said barons, or any three or more of them, for payment thereof; and where any of the said debts are secured by bonds or obligations with penalties, or are due and owing upon accounts not adjusted, the said barons, or any three or more of them, are hereby authorized to state, settle, and determine

and paying two thirds thereof by the times limited,

to be discharged.

Person indebted, not making discovery, to forfeit double value.

Persons possessed of goods, &c. making discovery,

to be allowed a fourth;

and on default, to forfeit double value.

Barons may make compositions for such debts, or chattels;

and settle bonds, debts, &c.

mine the same; and that every person, not being so indebted, or not being possessed of such personal goods and chattels as aforesaid, who shall at any time after the said first day of *July*, and before the first day of *December*, discover to the said barons, or any three or more of them, any such debts, or personal goods and chattels concealed until the time of such discovery, shall be intitled, by virtue of this act, to have and receive for his or their reward, so much as the said barons, or any three or more of them, shall judge to be reasonable, not exceeding one fourth part of such debts, or one fourth part of such personal goods or chattels, or of the value thereof so discovered after recovery of the same, to be paid over and delivered to him, her, or them, by warrant of the said barons, or any three or more of them, from time to time; and that every person who shall, after the said first day of *July*, and before the said first day of *December*, discover to the said barons, or any three or more of them, any lands, tenements, rents, hereditaments, or chattels real, forfeited as aforesaid, and concealed until the time of such discovery, shall be intitled, by virtue of this act, to have and receive for his or her reward, such proportion of the said lands, tenements, rents, hereditaments, and chattels real, as the said barons, or any three or more of them, shall judge to be reasonable, not exceeding one fourth part thereof, or of the value of the same, after recovery thereof; and the said barons, or any three or more of them, shall deliver certificates, under their hands and seals, to all and every person and persons, who shall make any such discovery or discoveries as aforesaid, specifying the lands, tenements, rents, hereditaments, chattels, or real estates, by him or her so discovered, and the part, share, or proportion thereof, or of the value of the same, which he, she, or they ought to have in respect thereof; and the said barons are hereby impowered and required to cause to be paid, delivered, assured, or conveyed, such parts, shares, and proportions, to the said discoverers, their heirs, executors, administrators, and assigns respectively; and that as soon as conveniently may be, after the time shall be elapsed for entering claims in manner herein after mentioned, on the estates real or personal so discovered, as to such estates real or personal, upon which no claim shall be entered, and as soon as conveniently may be after such claim or claims as shall be entered, relating to such estates real or personal respectively, shall be determined.

Persons not indebted, &c. making discovery, allowed a fourth.

Persons discovering concealed estates, &c. intitled to a fourth.

Barons to give certificates to persons making discoveries; and to cause their shares to be paid, &c.

IX. Provided always, That the shares of the estates real or personal so discovered, that shall be allowed to the discoverers, shall suffer a deduction or abatement proportional to the claims to, upon, or out of the same respectively, which shall be made and affirmed.

Deductions for claims out of the shares allowed to discoverers.

X. And to the intent the personal goods and chattels herein before, or otherwise vested in his Majesty, may be disposed of, and the value thereof applied to the use of his Majesty, be it further enacted by the authority aforesaid, That the said barons shall, as soon as conveniently may be, use their utmost endeavours

The goods to be secured from embezzlement;

vours to secure all such goods and personal chattels, in such places, and in the custody of such persons as shall be thought most proper by the said barons, for preventing the perishing, or any loss or embezzlement thereof; and shall make or cause to be made, a true and perfect inventory or inventories thereof, containing a true and particular account of all such goods and chattels, by whom they were forfeited, and when, and by whom delivered to the said barons, or any persons by them appointed to receive the same; and shall also cause a just appraisement thereof to be made, upon the oaths of any two persons, to be appointed by the said barons, or any three or more of them, for that purpose (which oath the said barons, or any three or more of them, have hereby power to administer) and the said barons, or any three or more of them, are hereby authorized and required to sell all and singular such goods and chattels so inventoried and appraised, according to their best skill and judgement; and for that purpose shall cause publick notice to be given by the space of ten days, at least, of the time, and where they intend to begin to expose to sale any part or parcel thereof, and of the several particulars then and there to be sold, at which time they shall sell the same by cant or auction, to such person or persons who shall bid most for the same; and immediately upon every such sale or contract, shall cause an entry to be made in their book, of all and every the personal goods and chattels so sold or contracted for, and of the buyers names and places of abode, and the prices agreed upon; and for the further assurance thereof to the buyers, the said barons, or any three or more of them, shall give a certificate under their hands and seals, unto the buyers respectively, expressing the particulars so by them bought, the prices, and time of sale; and every such buyer shall thereupon pay the said prices unto the said receiver-general, at such time or times, as shall be agreed upon with the said barons, for the use of his Majesty; and the said barons, or any three or more of them, being satisfied with the payment thereof, shall forthwith order the particulars so bought and paid for, to be delivered to the buyer or buyers, his, her, or their assigns; and in case any person or persons who shall have contracted for any such personal goods or chattels, as aforesaid, shall make any default in payment of the monies contracted for, he, she, or they shall forfeit one third of the sum which the said goods were contracted for; and the said barons, or any three or more of them, may, and shall proceed to a new sale of all and every such personal goods and chattels, for which such default shall be made, unto any other person or persons, as if no sale thereof had before been made.

and inventories and appraisements to be made.

The goods to be sold by auction.

Entry to be made of the goods, and the persons to whom sold.

Buyers to have certificates:

On payment the goods to be delivered.

Buyers not making payment, to forfeit one third,

and the goods to be set up again.

XI. And be it enacted, That all and every person and persons, who since the twenty fifth day of *June*, one thousand seven hundred and forty six, have entered into or upon any of the said forfeited estates, or any part thereof, and held and enjoyed the same, without any lawful title thereunto, shall be responsible for all and every the profits of the same premisses, during

Persons entering upon forfeited estates, after 25 June, 1746.

ing the time of his, her, or their occupation thereof, and shall answer and pay the value thereof unto the said receiver-general, at such days or times as shall be appointed by the said barons, or any three or more of them, or in default thereof shall forfeit double the value of the same profits by him, her, or them received, for the use of his Majesty.

not paying the profits,

to forfeit double.

XII. Provided nevertheless, if any such person or persons shall, on or before the first day of *December*, one thousand seven hundred and forty seven, discover to the said barons, such lands, tenements, or hereditaments so by them enjoyed (the same being concealed till the time of such discovery) all and every such person and persons are hereby declared to be discharged of and from any account of the profits thereof received or had before the said first day of *December*: and whereas it is likely, that since the said twenty fifth day of *June*, the occupiers of several of the said forfeited or forfeitable estates and interests, and other the premisses, or others, may have presumed to commit great spoil, waste, and destruction upon the same estates, by cutting down great quantities of timber-trees, and other trees, woods, groves, and coppices, and otherwise; be it further enacted, That every such occupier, and all and every other person and persons, who since the said twenty fifth day of *June*, have committed, or at any time before the sale or sales of such premisses, to be made in pursuance of this act, shall commit any such spoil, waste, or destruction, shall pay treble damages for the same, to be ascertained by the said barons, in a summary way; and for the speedy levying thereof to his Majesty's use, the like execution shall issue forth, as in case of a debt due to his Majesty.

On their discovery,

to be discharged.

Committing spoil,

to pay treble damages.

XIII. And to the end that all and every the rents, issues, and profits of the said estates may for the future, and until sale thereof as aforesaid, be effectually levied and paid into the said exchequer; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said barons, or any three or more of them, by and with the approbation of the said commissioners of the treasury, or of the high treasurer for the time being, to appoint stewards, receivers, bailiffs, or factors, on the said forfeited estates, with full power to lett and set the said estates for any term not exceeding three years, and to receive the rents and profits, and to grant discharges and acquittances thereof, and to hold courts, and pass decrees for payment of rents, and to put the said decrees in execution, and to do all acts, matters, and things necessary for managing the said estates, usually done by stewards, receivers, bailiffs, or factors, on the said respective estates, according to the laws in *Scotland*, and particularly to pay yearly out of the said rents, the stipends or salaries of ministers and schoolmasters, and the cess or land tax, that shall by law be payable out of such estates; the pay or salaries of which stewards, receivers, bailiffs, or factors, shall not exceed the tenth part of the yearly value of the rents and profits of the forfeited estates, for the management of which they shall be respectively appointed.

Stewards to be appointed.

The ministers, &c. money and land tax to be paid.

Stewards salary.

Steward to take the oaths;

and to give security,

XIV. Provided always, That all and every steward, receiver, bailiff, or factor, to be so appointed, before he enter on the execution of his office, or be capable to perform any part thereof, shall be approved of as aforesaid, and shall take the oaths appointed to be taken by the said act of the first year of his late Majesty, and shall give bond to the King's majesty for a sum not less than two years rent of such estate or estates as he shall be appointed steward, receiver, bailiff, or factor over, with sufficient security for the payment thereof, in case he shall fail to pay to the said receiver-general at such days and times as he shall be thereto required by the precept of the said barons, or any three or more of them, all and every sum or sums by him received out of the estate or estates on which he shall be appointed steward, receiver, bailiff, or factor, and to account for all such sums as shall remain due and payable in the hands of the tenants or possessors at the time of his accounting, by producing evidence that he hath used all due and lawful means and diligence for recovering of all such sums so remaining due and payable; and all and every steward, receiver, bailiff, or factor, shall be fully acquitted and discharged by the said exchequer, upon his paying and accounting as aforesaid.

Sequestrations of the forfeited estates, made otherwise,

XV. And be it further enacted, That all and every sequestration, suspension, arrestment, and other act and decree made and passed in any court of judicature since the first day of *August*, one thousand seven hundred and forty five, or which shall hereafter be made or passed, otherwise than according to the directions of this present act, whereby any right, title, charge, or interest in, to, out of, or upon any of the said forfeited estates, hath been, or shall be decided and determined in favour of any creditor, or persons claiming interest therein, or whereby any person or persons have been, or shall be intitled to possess any part of the said estates, real or personal, or to levy, receive, or discharge any part of the rents and profits of the same by any such decrees or sentences, or without any lawful title, are hereby declared to be void, null, and of no effect, as if the same had never been made or passed.

to be null.

XVI. *And whereas several persons in possession of the messuages, lands, tenements, and hereditaments which shall have been found by the said barons to be forfeited and vested in his Majesty by virtue of this act, or who have received the rents and profits of the same since the twenty fifth day of* June, *one thousand seven hundred and forty six, or are otherwise indebted to his Majesty by virtue of this act, may refuse or neglect to pay the same unto the said receiver-general, according to the direction of this act*; be it therefore enacted by the authority aforesaid, That the said barons, or any three or more of them, shall and they are hereby impowered and required to call to account all and every person or persons, their heirs, executors, administrators, and successors, who by virtue of any sequestration, or other decree, made and passed by any court of judicature, since the first day of *August*, one thousand seven hundred and forty five, or by virtue of any other right or title,

Persons who have taken possession by sequestration, &c. since 1 Aug. 1745, to account.

title, hath taken or retained, or shall take or retain possession of any part of the said forfeited estates, real or personal, or have levied or discharged, or who shall levy, receive, or discharge any part of the said rents, issues, or profits of the said estates (not herein before excepted) which have become due since the twenty sixth day of *June*, one thousand seven hundred and forty six, for his or their possession or intromissions with the same, or who have incurred or shall incur any penalty or penalties, or are otherwise indebted to his Majesty by virtue of this act, and upon his, her, or their appearance, or neglect, or refusal thereof, after being thereto duly required by precept as aforesaid, the said barons, or any three, or more of them, shall, and they are hereby impowered and required in a summary way, without the formalities of proceedings in the courts of law or equity, to enquire and inform themselves, by and upon the testimony of witnesses upon oath, examination of persons interested, upon their oaths, inspection and examination of deeds, writings, accounts, and records, or by all or any of the said ways and means, or otherwise, according to their directions, as soon as conveniently may be, to state and settle the sums due and payable by every such person or persons, for or on account of their said intromissions, debts, penalties, or forfeitures aforesaid, and to direct their precepts, ordering them, their heirs, executors, administrators, and successors, to make payment of the money appearing to be due thereupon unto the said receiver-general, and to deliver up to the said barons, or any three or more of them, or their order, all such forfeited goods and chattels as have been, or shall be intromitted with and possessed by them, at such days and times, as by the said barons, or any three or more of them, shall be limited and appointed by their said precepts; and in case of neglect or refusal to comply with the said precepts, the said barons, or any three or more of them, are hereby authorized and impowered to order such proceedings to be had thereupon, as if the contents of such precepts had been duly found by inquisition, taken and returned into the said court of exchequer.

Barons to proceed in a summary way, &c.

and to direct their precepts for payment of the sums due,

and for delivering up the forfeited goods, &c.

XVII. And, to the end that all and every the said estates and interests hereby, or otherwise vested in his Majesty, whereof the said barons of exchequer shall upon enquiry make discovery, and seize or recover the possession, may be duly published, so as all persons having interest may have notice thereof, in such manner as they may enter their claims upon the same, in the manner herein after provided; be it enacted by the authority aforesaid, That the said barons of exchequer shall cause the register, or books herein appointed to be kept, of the names of all persons attainted of high treason within the times aforesaid, and of all real and personal estates and interests by this act, or otherwise, vested in his Majesty, or an authentick copy or duplicate of such books, to be kept by a proper officer, who shall make the same open and patent to the inspection of all persons who shall demand the same, betwixt the hours of ten and twelve in the forenoon, upon any lawful day, without any fee or reward; and in the

Register of the forfeited estates to be kept.

the said books shall be expressed the dates when the entries of the several estates real or personal that shall be there ingrossed, were made; and the said barons, or any three or more of them, shall also transmit to the said commissioners of his Majesty's treasury, or the high treasurer of *Great Britain* for the time being, an authentick copy of the said register or books.

Copy of the register to be transmitted to the treasury.

XVIII. And it is hereby further enacted, That when any real or heretable estate shall be entered in the said register, the said barons shall, from time to time, within the space of one month after such entry, transmit, or cause to be transmitted, an authentick copy or duplicate of every such entry to the sheriff of the shire, or steward of the stewartry, within which the lands or other heretable or real estate are situated; and every such sheriff or steward shall, and is hereby required, within twelve days after he shall receive such duplicate or copy, to cause the same to be published at the market cross of the head burgh of the shire or stewartry and to cause to be inserted in a book to be provided and kept for that purpose by the clerk to such sheriffs or stewarts courts; all which books shall be made open and patent to any persons demanding inspection of the same, upon any lawful day between the hours of ten and twelve in the forenoon, without fee or reward.

Duplicate of the entries to be sent to the sheriff.

Sheriff to give notice.

XIX. And be it further enacted, That all and every the estates and interests which shall be entered in the register, to be kept by the said barons of the exchequer, according to the directions of this act, to or upon which no claim shall be entered within the time, and in the manner herein after prescribed, shall be deemed and taken against all persons, and to all intents and purposes, to be vested in his Majesty in virtue of this act; and such estates and interests as shall be so entered in the said register, and to or upon which claims shall be entered, shall in like manner be deemed and taken to be vested in his Majesty; subject only to such burden, diminution, or eviction, as shall arise from the determination of the claims that shall be so entered, and no otherwise.

Estates to vest in his Majesty, where no claims are entered;

and where claimed, upon payment of the debts.

XX. And, to the end that all and every the said estates and interests, herein before vested in his Majesty, may be disposed of in the most beneficial manner, and the produce and value thereof applied for the payment and satisfaction of such claims, out of the respective estates, as shall be decreed to be just and lawful, and the remainder for the use of his Majesty, his heirs and successors; be it further enacted, That in case his Majesty, his heirs or successors, shall not make effectual provision for the payment or satisfaction of all such debts and claims, within the space of twelve months after the same shall be respectively adjudged, then it shall be lawful for the said barons, or any three of them, and they are hereby required to sell, or cause to be sold, so much of the estates of the attainted persons, as they shall judge necessary to be sold for satisfaction of the debts and claims affecting the same, and apply the money arising by the

Estates to be sold, where his Majesty shall not discharge the claims within 12 months.

the sale thereof respectively, in discharge of the several debts or claims to which they shall be adjudged to be liable.

XXI. Provided nevertheless, That if his Majesty, his heirs or successors shall, after the expiration of the said time, make effectual provision for the payment or satisfaction of all the debts or claims upon any such estate, and shall, before the same is sold, by warrant or warrants under his or their sign manual, at any time or times, direct any such estates not to be sold; then the said barons shall not proceed in the sale of any estates so prohibited to be sold; and in respect to the sale of the said estates, or any part thereof, the said barons of the exchequer are hereby authorized and required to proceed in such manner and form, and according to such rules, as the barons of the court of exchequer in *Scotland* were directed to observe, by an act made in the thirteenth year of the reign of his late Majesty, intituled, *An act for sale of such of the forfeited estates in that part of* Great Britain *called* Scotland, *as remain unsold, and are vested in the crown; and for determining such claims on the said estates, as having been duly entered, remain undetermined.*

Estates not to be sold, where his Majesty shall so order, and make payment of the claims.

13 Geo. 1. c. 28.

XXII. And, that no person or persons whatsoever, having any estate, right, title, or interest in law or equity, in, to, or out of any of the forfeited or forfeitable estates and premisses, may be in any respect prejudiced by this act, be it enacted by the authority aforesaid, That all and every person and persons whatsoever, bodies politick and corporate (other than and except all such forfeiting persons as aforesaid, and the heirs, executors, administrators and assigns, and every of them, and all and every person and persons having or claiming any thing in the premisses, or any part thereof, to the use of, or in trust for any such forfeiting persons, or their or any of their heirs, executors, or administrators) having any estate, right, title, interest, use, trust, possession, reversion, remainder, office, annuity, service, rent, debt, benefit, charge, or incumbrance whatsoever in law or equity, in, to, or out of, or upon any castles, honours, manors, messuages, lands, tenements, rents, or hereditaments whatsoever, or to any real or personal estate, or any other the premisses whatsoever, herein before or otherwise vested in his Majesty, by or under any settlement, conveyance, judgement, statute, recognizance, extent, or other debt, charge, or incumbrance, affecting, or which was binding on the forfeiting persons, and might have affected the same estate, before the respective days and times whereon the same was vested in his Majesty as aforesaid, and also all and every person and persons, bodies politick and corporate, pretending to have right or title to any estate, which shall have been seized or surveyed by the said barons, for the use of his Majesty, and who shall pretend that none of the persons attainted, since the twenty fourth day of *June*, one thousand seven hundred and forty five, and before the twenty fourth day of *June*, one thousand seven hundred and forty eight, for high treason, was seised or possessed of, or interested in, or intitled unto such estate in his, her, or their own right, or to his, her, or their own use, nor any

Claims on personal estates, &c. to be made within 3 months.

any other person in trust for them, or any of them, on the said twenty fourth day of *June*, one thousand seven hundred and forty five, or at any time since, or that they have right or title to such estate, shall, within the space of three months, to be reckoned from and after the date of the entry that shall be made in the register book in the exchequer of any personal estate, and in case of real estates, within six months of the entry of the register, to be kept in the county or stewartry where such estate lies, in manner herein before directed, of the estate or interest in, to, or out of which such claims and demands are to be made respectively, enter all their respective claims and demands before the court of session in *Scotland*, in such manner as is herein after mentioned; or in default thereof every such estate, right, title, interest, use, possession, reversion, remainder, office, annuity, service, rent, debt, charge, or incumbrance, in, to, out of, or upon the said premisses, or any part thereof, shall be and is hereby declared to be null and void to all intents and purposes whatsoever; and the estate or estates so as aforesaid, liable unto or charged therewith, shall from thence be freed, acquitted, and discharged of and from the same; and all such claims and demands of infants, shall and may be made by their fathers or guardians, or any other persons in their behalf; and all claims of femes covert by their husbands, or any other persons on their behalf; and all claims of madmen, ideots, or lunaticks, by such person or persons under whose care or custody they are or shall be at the time of entering such claims; and that all such claims shall be made and tendered to the court of session, in time of session, or to the lord ordinary on the wills in time of vacance, written in parchment, and signed by the party or parties making the same, or such other person or persons on his, her, or their behalf as aforesaid, or signed by the attornies or factors of the party or parties having the interest claimed; and such signing shall be testified by two or more credible witnesses, who shall subscribe their names to attest the same; and every claimant shall therein particularly express what estate, right, title, interest, use, possession, reversion, remainder, office, annuity, service, rent, debt, benefit, charge, or incumbrance, he or she demand or claim in, to, out of, or upon any part of the premisses, by and under what grant, gift, settlement, conveyance, security, title, or incumbrance, he or she do claim the same; and if such party claimant hath, demands, or claims any estate, right, title, or interest, in or to any part of the premisses, by virtue of any incumbrance, for any debt or sum of money whatsoever, such party shall also in his claim set forth such incumbrance, and the dates and the contents thereof, and the witnesses thereto; and if the same be recorded, when and where the same was entered on record, and whether such debt and sum of money was and is really due, and remains wholly unpaid and unsatisfied, and what part and how much thereof has been really and truly satisfied, by money paid, perception of profits, or by any other ways or means whatsoever; and every such claim shall be transcribed by order

and claims on real estates, within 6 months;

Claims of persons incapacitated, by whom to be made;

where to be tendered, &c.

Claim to be registered.

order of the said court, and entered in books to be provided and fairly kept by them for that purpose; and the said court of session is hereby impowered and required to proceed in a summary way, without abiding the course of any roll, as well out of as in term time, to hear and determine all such claims; and every such decree of the court of session shall be final, and binding upon all parties concerned, in case thirty days, on any of which such proceedings as are usual and competent by the laws of *Scotland*, for reversing or amending such decrees, shall elapse without such proceedings being had, made, or commenced by either party.

Court to proceed in a summary way in determining the claims.

XXIII. And, to the end that due care may be taken of the interest of his Majesty in respect of such claims as shall be offered as aforesaid, it is hereby further enacted, That the King's advocate, or in his absence his Majesty's solicitor general in *Scotland*, shall, and they are hereby impowered and required to provide for making proper answers and defences on behalf of his Majesty, to all such claims as shall be offered as aforesaid, and for reversing, affirming, or amending the decrees that shall be passed upon such claims, as they shall see cause.

The King's rights to be defended by his advocate, or the solicitor general.

XXIV. And be it further enacted, That the court of session shall, and they are hereby impowered and required, in a summary way, and without the formality of proceedings in the courts of law or equity, to proceed by and upon the testimony of witnesses upon oath, examination of persons claiming, or otherwise interested, upon their oaths, inspection, and examination of deeds, writings, and records, or by all or any of the said ways and means, or otherwise, according to the circumstances of the case, as soon as conveniently may be, to hear, and determine, and adjudge all and every claim and claims, which shall be entered within the times aforesaid; and that every party claiming shall, if required by the said court, or by or on behalf of his Majesty's advocate, upon oath answer to the truth of his or her claim, and to such proper interrogatories as the court or council for his Majesty shall think fitting for the clearing thereof; and, upon oath, produce before the said court, at their hearing such claim, all such deeds, writings, and evidences, as are in his custody or power, any ways concerning the said claim, or the subject matter thereof.

Court to proceed in a summary way in examination of witnesses, &c.

Claimants to answer upon oath,

and to produce their deeds, &c.

XXV. And be it further enacted by the authority aforesaid, That where the claim, so to be determined as aforesaid to be just and lawful, shall contain a demand of any sum or sums of money, any wise affecting any of the said forfeited estates; then, and in such case the said barons of the exchequer, or any three of them, shall, and are hereby expresly impowered and required to issue out debentures or certificates to claimants, for the respective sum or sums which shall be determined to be due and payable to them severally by the decrees of the said court of session; which debentures or certificates, with legal interest shall be paid in the first place without any deduction, fee, or reward, by the said receiver general, out of such rents and profits as shall be paid

Certificates to be given for sums decreed;

to be paid with interest.

paid into his hands, from the respective estates upon which the said claims are allowed.

No decrees, &c. to be made for any sum on account of penalties for nonpayment.

XXVI. Provided always, That no such decree, in favour of any claimant, or debenture or certificate to be issued thereupon, shall be made for any sum or sums, on account of penalties for failure of payment at the day it became due, or for any other penalties whatsoever.

On claims affirmed, the claimants to be put into possession.

XXVII. And be it further enacted, That where the said claim shall contain a demand of any honours, castles, manors, lands, tenements, rents, services, rents-charge, hereditaments, or other real estate whatsoever, or an interest therein, and shall be adjudged, determined, or decreed as abovesaid to be just and legal; then, and in that case, the said court of session are hereby authorized to order the sheriff or sheriffs, or the proper officer or officers of and in the respective counties and stewartries where the same shall lie, to cause possession to be delivered to such claimant and claimants, his, her, or their heirs, executors, administrators, or successors, or to whom they or any of them shall appoint; and all and every such claimant or claimants, his, her, or their heirs, executors, administrators, or successors, shall hold and enjoy the same for such estate and interest therein respectively, as shall be adjudged, determined, or decreed as aforesaid.

Court to adjudge the legal preference of claimants, &c.

XXVIII. And, to the end that justice may be rendered to the several claimants, on the said forfeited estates or interests, according to the priority or legal preference of their rights and diligences; be it further enacted, That it shall and may be lawful for the court of session, upon the application of his Majesty's advocate, or of any claimant whose claim shall be affirmed on any of the said forfeited estates and interests, to rank and determine the order of preference of the several creditors and claimants on the respective estates and interests; and the judgement to be given by the court of session, upon such application, shall be of the same force and effect, as if the several creditors or claimants who shall be so ranked, had been summoned for that purpose, in the usual manner, in a process of ranking.

Court to make order for payment of the sums specified in the interloquitors, &c.

XXIX. *And whereas during the dependance of such ranking, or before the final decision of all the claims on any of the said forfeited estates, it may be just and reasonable that the growing rents and profits of the said estates, or some part thereof, should be paid over to some or other of the preferable creditors or claimants thereon*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to the said court of session, when they shall see cause, to make interloquitors, finding any creditor and claimant upon such estate, intitled to any sum or sums of money that shall be specified in such interloquitors, and recommending to the barons of the *Exchequer*, to cause the same to be paid; and upon production of such interloquitor, or an extract thereof, by the party obtaining the same, to the said barons of *Exchequer*, or any three of them, they are hereby impowered and required, as soon as conveniently may be, to make an order upon the receiver-

ceiver-general, or upon the bailiff, factor, or steward of the estate, in such interloquitor mentioned, for payment of the sum or sums therein specified, out of the rents and profits of such estate.

XXX. And it is hereby further enacted and declared, That all conveyances and assurances whatsoever, of any castles, honours, manors, lands, tenements, rents, hereditaments, or real estate whatsoever, made at any time after the twenty fourth day of *June*, one thousand seven hundred and forty two, by any person who has been since attainted, or shall be attainted as aforesaid, unto or for his own use, or unto or for the use of his wife, or any of his children, or in trust for himself, his wife, or any of his children (other than such as were made *bona fide* before, and in consideration of marriage, or in performance of some covenant or agreement made and reduced into writing, before and in consideration of marriage) and also all assurances and conveyances whatsoever, made at any time since the twenty fourth day of *June*, one thousand seven hundred and forty two, by any such person, are hereby declared to be, and shall for ever hereafter be deemed and taken to be fraudulent; and that no claim shall, at any time hereafter, be allowed for the same, excepting such assurances and conveyances, as have been made since the time aforesaid, or shall be made in time coming, for just and onerous causes, the said onerous causes being always otherwise instructed, than by the writings themselves.

Conveyances made by traitors after 24 June, 1742,

except in consideration of marriage, &c.

deemed fraudulent.

No claim to be allowed, but for onerous causes.

XXXI. *And whereas several tenants of the said attainted persons, may have paid their respective rents due to them, after the said twenty fourth day of* June, *one thousand seven hundred and forty five, and before the times of their respective attainders, without fraud or collusion*; be it therefore enacted, That such tenants shall be, and are hereby discharged therefrom, on due proof of such actual payments thereof respectively made.

Tenants on proof of payment of their rents to be discharged.

## CAP. XLII.

*An act to enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights.*

WHEREAS *through various accidents execution of the powers given by the act of the twentieth year of his present Majesty (intituled,* An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties) *to the commissioners thereby authorized to put the same into execution, within the exact time, and according to the precise method thereby directed, hath been, and may be prevented, and the raising the rates and duties granted thereby obstructed or delayed*; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this

20 Geo. 2. c. 3.

this present parliament assembled, and by the authority of the same, That in all cases where the said commissioners have already omitted, or shall at any time or times hereafter omit to meet or execute the said powers, or any of them, within or at the time or times, or according to the manner directed and prescribed by the said act, it shall and may be lawful for the said commissioners, or any two or more of them, to meet and execute the said powers at any other time or times, and from time to time, as there shall be occasion; and they are hereby authorized and required forthwith, or as soon after the time or times at which such meetings should have been held, according to the said act, as shall be convenient, to meet and execute the same, so as that the said rates and duties may be duly and effectually charged, raised, levied, collected, and paid to his Majesty, his heirs and successors, for the uses in the said act, notwithstanding any such omission or defect; and all meetings and acts of the said commissioners, or any two or more of them, which have been already had or done pursuant (in all other respects) to the directions of the said act, shall be deemed, and are hereby declared to be good and valid to all intents and purposes, notwithstanding such omission or defect.

Commissioners who have omitted, impowered to meet and act at any other time.

Acts of the commissioners confirmed.

II. And be it further enacted by the authority aforesaid, That the said commissioners, or any two or more of them, shall have power; and are hereby required to appoint such assessors, and for such districts or divisions, within their respective limits, as they shall judge proper, out of the persons who shall by their precepts, as directed by the said act, be ordered to appear before them for such districts or divisions respectively; and if any of the persons on whom such precepts shall be served, shall neglect to appear, or they or any of the collectors or officers appointed, or to be appointed, under the said act, shall wilfully neglect or refuse to take the oaths appointed by the said act to be taken by them respectively, or to take upon them their respective offices, the said commissioners, or any two or more of them, are hereby authorized and required to impose on every such person so neglecting or refusing, any fine not exceeding the sum of five pounds for any one offence; the same to be levied, certified, and paid, as other fines by the said act are directed to be levied, certified, and paid.

Two commissioners may appoint assessors.

Persons neglecting to appear, to take the oaths, or serve the office,

to pay 5 l.

III. And it is hereby further declared and enacted by the authority aforesaid, That in all cases where the kingdom of *England*, or that part of *Great Britain* called *England*, hath been or shall be mentioned in any act of parliament, the same has been and shall from henceforth be deemed and taken to comprehend and include the dominion of *Wales*, and town of *Berwick* upon *Tweed*.

Wales and Berwick included, where the kingdom of England is mentioned.

IV. *And whereas certain persons, dissenters from the church of* England, *commonly called* Quakers, *do scruple the taking of any oaths, and it may happen that several of the said persons may be appointed assessors for raising the said rates and duties upon houses, windows, and lights*; be it further enacted by the authority aforesaid, That in

in every such case it shall be sufficient for such persons appointed, or to be appointed assessors for the purposes aforesaid, instead of the oaths appointed by the said act to be taken by the said assessors, to make and subscribe the declaration of fidelity prescribed by an act made in the first year of the reign of King *William* and Queen *Mary* (intituled) *An act for exempting their Majesties protestant subjects, dissenting from the church of* England, *from the penalties of certain laws)* and that all certificates in writing, returned to the commissioners for the said duties, verified by any such persons upon their affirmation, shall be as valid and effectual, as if the same were verified upon their oath, in the manner directed by the said act; any thing therein contained to the contrary thereof in any wise notwithstanding.

Quakers appointed assessors.

to make and subscribe the declaration of fidelity. 1 W. & M. st. 1. c. 18.

Certificates verified upon affirmation to be valid.

## CAP. XLIII.

*An act for taking away and abolishing the heretable jurisdictions in that part of* Great Britain *called* Scotland; *and for making satisfaction to the proprietors thereof; and for restoring such jurisdictions to the crown; and for making more effectual provision for the administration of justice throughout that part of the united kingdom, by the King's courts and judges there; and for obliging all persons acting as procurators, writers, or agents in the law in* Scotland *to take the oaths; and for rendering the union of the two kingdoms more complete.*

FOR remedying the inconveniencies that have arisen, and may arise from the multiplicity and extent of heretable jurisdictions in that part of *Great Britain* called *Scotland*, for making satisfaction to the proprietors thereof, for restoring to the crown the powers of jurisdiction originally and properly belonging thereto, according to the constitution, and for extending the influence, benefit, and protection of the King's laws and courts of justice to all his Majesty's subjects in *Scotland*, and for rendering the union more complete; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all heretable jurisdictions of justiciary, and all regalities and heretable baillieries, and all heretable constabularies, other than the office of high constable of *Scotland*, and all stewartries, being parts only of shires or counties, and all sheriffships and deputy sheriffships of districts, being parts only of shires or counties within that part of *Great Britain* called *Scotland*, belonging unto, or possessed or claimed by any subject or subjects, and all jurisdictions, powers, authorities, and privileges thereunto appurtenant or annexed, or dependant thereupon, shall be, and they are hereby, from and after the twenty fifth day of *March*, in the year of our Lord one thousand seven hundred and forty eight, abrogated, taken away, and totally dissolved and extinguished.

All heretable jurisdictions, &c. in Scotland, the office of high constable excepted,

to cease from 25 March, 1748.

II. Pro-

The lands, rents, and certain duties annexed to the heretable baillieries, &c. to remain.

II. Provided always, That all lands annexed or belonging to the said heretable bailleries, stewartries, and constabularies, hereby intended to be dissolved and extinguished, and the rents and duties, consisting of money, victual, cattle, or other goods, payable to the possessors of the said heretable baillieries, stewartries, or constabularies, shall remain with and belong to them, their heirs, and successors, and continue to be enjoyed by and paid to them, their heirs, and successors, notwithstanding the extinction of the said offices.

All heretable jurisdictions to be vested in the King's courts and judges.

III. And be it further enacted by the authority aforesaid, That all jurisdictions, powers, and authorities legally vested in, or belonging to any such justiciary, regalities, baillieries, constabularies, stewartries, sheriffships, and deputy sheriffships, or any of them, shall, from and after the said twenty fifth day of *March*, be vested in and exercised by the court of session, court of justiciary at *Edinburgh*, the judges in the several circuits, and the courts of the sheriffs and stewarts of shires or counties, and other of the King's courts in *Scotland* respectively, to which such jurisdictions, powers, and authorities would now by law have belonged, in case such justiciary, regality, baillierie, constabulary, stewartry, sheriffship, or deputy sheriffship, had never been granted or erected; and that the several towns, villages, places, districts, and bounds which lie within, as were subject to such justiciary, regalities, baillieries, constabularies, stewartries, sheriffships, or deputy sheriffships, hereby taken away and dissolved respectively, and the inhabitants and residenters within the same, from and after the said twenty fifth day of *March*, shall be subject to the jurisdiction and authority of the said court of justiciary at *Edinburgh*, the judges in their circuits, the sheriffs, and the courts of the sheriffs or stewarts of counties or shires, and such other of the King's courts as aforesaid respectively, in the same manner as such towns, villages, places, districts, and bounds, and the inhabitants and residenters within the same, would have been, in case such justiciary, regalities, baillieries, constabularies, stewartries, sheriffships, or deputy sheriffships had never existed.

All heretable sheriffships, &c. to be resumed and annexed to the crown.

IV. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, all sheriffships of any county or shire, and all stewartries, not hereby before taken away and extinguished, within that part of *Great Britain* called *Scotland*, granted unto, or possessed by, any subject or subjects, either heretably, or for life, and all jurisdictions, authorities, or privileges thereunto belonging or annexed, or dependant thereupon, shall be, and they are hereby resumed and annexed to the crown; and that the sheriffs and stewarts of such counties, shires, and stewartries respectively, shall, from thenceforth, be nominated and appointed by his Majesty, his heirs and successors.

Sheriffships, &c. not to be granted for a

V. Provided always, and it is hereby enacted by the authority aforesaid, That no sheriffship or stewartry of any county, shire, or district, within that part of *Great Britain* called *Scotland*,

*land*, shall, at any time hereafter, be granted to any person or persons whatsoever, either heretably, or for life, or for any certain term exceeding one year; and that no justiciary, regality, constabulary, or baillierie, nor any judicature, jurisdiction, authority, or immunity of the like nature or kind, within that part of *Great Britain* called *Scotland*, shall, at any time hereafter, be erected, created, or granted, but that all letters patent, gifts, and grants of any of the premisses, made contrary to the true intent and meaning of this act, shall be, and they are hereby enacted and declared to be null and void, to all intents and purposes whatsoever.

longer term than 1 year.

Grants of justiciary, &c. contrary to this act, null.

VI. And be it further enacted by the authority aforesaid, That reasonable and just compensation and satisfaction shall be made out of the next aids to be granted in parliament, for and in respect of every such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, and baillierie hereby taken away and dissolved, or resumed and annexed to the crown, to all and every person and persons respectively, who shall appear to be lawfully possessed of any such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, and to every clerk thereof, who was on the eleventh day of *November*, one thousand seven hundred and forty six, lawfully possessed for life of his clerkship, in case such office shall be necessarily extinguished in consequence of this act.

Compensation to be made for justiciaries, &c. taken away.

VII. And be it further enacted by the authority aforesaid, That all and every person and persons lawfully possessed of any such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, baillierie, or clerkship, shall, on or before the eleventh day of *November*, in the year of our Lord one thousand seven hundred and forty seven, make and enter his, her, and their claim or claims thereto respectively in the court of session in *Scotland*; and all such claims, with the titles or vouchers produced in support thereof, shall be given out in the usual manner to his Majesty's advocate for *Scotland* or his deputy, or to his Majesty's solicitor general there, who are hereby authorized and required to appear on behalf of his Majesty, to defend or object against all or any such claim or claims, as they shall find cause to oppose, either in respect of the validity of the claimant's title to the jurisdiction therein set forth, or of the value or price thereof; and the said court of session shall, in a summary way, examine the several and respective titles to the same; and in case they shall find any such person or persons to have been so lawfully possessed as aforesaid of any such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, baillierie, or clerkship, then the said court shall, with all possible dispatch, consider and declare their opinion, touching the value or price thereof, and shall cause all such opinions to be entered in a roll or book to be kept for that purpose, and make certificate or certificates thereof to his Majesty, his heirs or successors, in his or their privy council; copies of which shall be laid forthwith before both houses of parliament.

Claims, &c. to be entered before 11 Nov. 1747;

and to be given with the vouchers to the King's advocate, &c.

Court to examine the titles in a summary way, and adjudge the value; and make certificates to his Majesty in council; Copies to be laid before parliament.

Court to sit in the vacation, &c.

VIII. And be it further enacted by the authority aforesaid, That the court of session shall be, and is hereby authorized and impowered to meet and proceed on all such claims as shall be exhibited pursuant to this act, in the times of vacation, and upon *Monday*, as well as upon other days, during the time of session; and the said court of session is hereby required to sit for the purposes aforesaid, during the whole month of *March* next after the said eleventh day of *November*, in the same manner as during the session time, unless they shall sooner have discussed the matters and things, and made the certificates hereby directed.

Court to order the production of papers.

IX. And it is hereby further enacted, That the said court of session, for the better discovery of the truth in the enquiries and determinations hereby directed to be made, shall and may, and they are hereby authorized and impowered to order and compel the production of all books, papers, and writings, in any wise relating to any of the matters or things, which they are hereby impowered to examine into, determine, or declare their opinions upon, and to examine any person or persons, either parties or witnesses, upon oath, concerning the same, and also concerning any books, papers, and writings, relating to any such matters or things, either in general, or by particular description.

Where heretable jurisdictions are so circumstanced that they cannot be aliened, the court to order the sum decreed to be laid out in purchase of lands, &c.

X. Provided always, That in all cases where any such heretable justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, shall be subject to any strict tailzie, affected with irritant and resolutive or prohibitive clauses, or so settled, limited, mortgaged, or incumbered, that the possessor thereof cannot dispone or alien the same, either gratuitously, or for an onerous cause, the sum or sums of money to be allowed for or in respect of the value or price thereof, shall, by the order and direction of the said court of session, be laid out and invested in the purchase of lands, tenements, or heretages, within that part of *Great Britain* called *Scotland*; which said lands, tenements, or heretages, shall be disponed and settled to the same uses, and under the same limitations and restrictions, for the benefit of such person and persons, and in the same course of succession, and subject to the same mortgages and incumbrances to or upon which such heretable justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, was settled, or ought to have gone or stood subject unto.

Where estates are subject to the debts of the maker of the entail, the money to be applied in paying off the same,

XI. Provided also, That in such cases as aforesaid, and where the entailed estate is subject to, or affected with, any debts of the maker of the entail, or other debts that are effectual to charge the estate, not being contracted by the present fiar or proprietor thereof, it shall and may be lawful to apply the money to be allowed for or in respect of the jurisdictions hereby abrogated, that were attendant on such tailzied estate, for paying off or clearing such estate of the debts of the maker of the entail, or other debts affecting the same, as aforesaid, and that the residue only (if any such shall be, after the payment of those debts) be

be laid out in the purchase of other lands or heretages in manner above mentioned.

XII. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons having any estate, right, title, or interest in or unto any such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, either in possession or expectancy, and to and for any heir of tailzie, or any substitute in any such tailzie, where the same, or any of them, shall be strictly entailed as aforesaid, or to or for any guardian, tutor, curator, or trustee, on behalf of any infant or minor, ideot, lunatick, or fatuous or furious person, having any such estate, right, title, or interest, or being such heir of tailzie, or substitute, as aforesaid, or for any mortgagee or incumbrancer, to make and enter his or her claim thereto in manner before directed, and also to exhibit or present a petition to the said court of session, praying the directions of that court for laying out or investing any such sum or sums of money in the purchase of lands, tenements, or heretages as aforesaid, or for placing out the same upon any good security, until such purchase shall be found; and the said court of session are hereby authorized and required to proceed upon every such petition in a summary way, and to make such order, and give such directions thereupon, as shall be agreeable to justice, and the nature of the case; and in the mean time, until such order and directions shall be made and given as aforesaid, all and every sum and sums of money, which shall be assessed or allowed for the value of any such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, belonging to any such infant, minor, ideot, lunatick, fatuous or furious person, or subject to such strict tailzie, or so settled, limited, mortgaged, or incumbered, shall be paid unto, and remain in either of the banks of *Scotland*; and from and after such order made, or directions given by the said court of session, such sum or sums of money shall be paid out to such person or persons, as by the order or interloquitor of the said court shall be authorized and appointed to receive the same.

Court to be petitioned for laying out the money;

which is to be lodged in bank till the court shall make order.

XIII. Provided always, That all and every person and persons, who shall neglect or omit to make and enter his, her, or their claim or claims, in respect of any of the jurisdictions hereby abrogated, and of such clerkships as aforesaid, within the time, and in the manner herein before directed, shall be for ever excluded from the benefit of compensation and satisfaction hereby provided.

Persons not entering their claims excluded.

XIV. And be it further enacted by the authority aforesaid, That all suits, decrees, sentences, interloquitors, judgments, executions, and proceedings, of or in any court hereby abrogated, taken away, and dissolved, which were depending, pronounced, awarded, or had, before the said twenty fifth day of *March*, shall be and remain of the same force, effect, and validity, and in the same state and condition, as the same would respectively have been in case this act had not been made; and

Proceedings of the courts, had before 25 March, confirmed.

Proceedings, &c after 24 June, 1748, to be transmitted to the sheriffs courts.

that all records, rolls, books, and entries of any such suits, decrees, sentences, interloquitors, judgments, executions, or proceedings, relating to any civil or criminal cause in any such court, shall on or before the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty eight, be transmitted by the possessor of any such justiciary, stewartry, sheriffship, deputy sheriffship, regality, constabulary, or baillierie, to the courts of the respective sheriffs or stewarts of counties, and there lodged and kept amongst the records of such courts; which shall proceed thereupon as if the said civil or criminal causes had been commenced originally in such courts; and that the register books of hornings, inhibitions, and interdictions heretofore kept in any baillieries of royalty or regality, or stewartries hereby abrogated, shall, on or before the said twenty fourth day of *June*, be transmitted to his Majesty's general register house at *Edinburgh*.

Registers of hornings, &c. to be transmitted to the register house at Edinburgh.

XV. *And whereas by several grants of heretable jurisdictions, lands lying within, and making part of one shire, have been disunited from the same, and annexed to, and made part of, another distant shire, to the great interruption of justice, and inconvenience of the subjects*; be it enacted by the authority aforesaid, That from and after the twenty fifth day of *March*, one thousand seven hundred and forty eight, all and every act, statute, charter or grant whatsoever, whereby any lands lying anciently within one shire in *Scotland* were disunited from the same, and annexed to another shire to which such lands were not adjacent or contiguous, shall be repealed and made void, with respect only to the jurisdiction of the sheriffs or stewarts courts; and the lands so disunited and annexed, shall, with respect to such jurisdiction only, be, and they are hereby restored or annexed to the shire or shires respectively within which such lands do locally lie; and in case such lands are interjected between two shires, they shall be, and are hereby annexed to the shire, to the head borough of which they are nearest adjacent.

Jurisdictions of lands, disunited from their proper shires, annexed to the shires they lie contiguous to.

XVI. Provided always, That this restitution shall not extend to vary or alter the right of voting for members to serve in parliament, in respect of such lands, or to vary or alter the payment of the tax commonly called the *cess* or *land tax*.

Right of voting, and payment of land tax, not to be altered.

XVII. *And whereas the jurisdiction in capital cases, that was heretofore granted to many heretors or proprietors of lands within that part of* Great Britain *called* Scotland, *whose lands were erected by the crown into baronies, or granted* cum fossa et furca, *or with power of pit and gallows, or with the like words, importing such capital jurisdiction, hath been long discontinued or fallen into disuse, as to the exercise thereof, and it is now unnecessary and improper that the right or title of such jurisdiction in barons should be any longer retained: and whereas it is also reasonable that some further regulation should be made relating to the jurisdiction of such barons, or of other heretors of lands, who are infeofft* cum curiis, *or intitled to the jurisdictions of barons, or other lower jurisdiction*; be it enacted by the authority aforesaid, That from and after the said twenty fifth day

day of *March*, in the year of our Lord one thousand seven hundred and forty eight, no heretor or proprietor of lands within *Scotland*, which had been erected into a barony, or granted with other lower jurisdiction, or their baillies, shall, by virtue thereof, have, exercise, or enjoy any jurisdiction whatsoever in capital cases; and that no such baron, or other heretor of lands, infeofft *cum curiis*, or their baillies, shall, by virtue thereof, have exercise, or enjoy any jurisdiction in any criminal cause whatsoever, other than assaults, batteries, and smaller crimes, for which the punishment to be inflicted shall only be by a fine not exceeding twenty shillings sterling, or by setting the delinquent in the stocks, for any time not exceeding three hours, in the day-time; which fine shall be levied by distress or poynding of the goods of the delinquent; and in default of such distress, by imprisonment of his or her person, for any time not exceeding the space of one month; and that as to civil causes, it shall not be lawful or competent, from and after the said twenty fifth day of *March*, for any such baron or heretor, or their baillies, to hold plea, or judge in any cause where the debt or damages shall exceed the sum of forty shillings sterling, other than for recovering and uplifting from the vassals, tenants, or possessors of the lands and heretages of such baron or heretor, the mails and duties, or rents and profits thereof, or for recovery of multures or services payable or prestable to their mills; and in all other civil causes it shall not be lawful for such courts to judge in cases of higher value than the sum aforesaid, by virtue of any prorogation of the jurisdiction, or consent of the parties litigant for that purpose; any law, custom, or usage to the contrary notwithstanding; and that every decree, sentence, judgement, and proceeding by or before any such baron, heretor, or their baillies, contrary to this act, shall be absolutely void and null to all intents and purposes whatsoever.

Barons, &c. to have no jurisdiction in capital cases;

nor in criminal causes, except assaults, &c.

nor in civil causes,

where the sum shall exceed 40 s.

except in recovering rents and duties.

XVIII. And it is hereby further enacted by the authority aforesaid, That every baron, or other heretor of lands in *Scotland*, who shall be intitled to, or possessed of any criminal jurisdiction, not hereby abrogated or taken away, shall and is hereby required to enter in a book, to be kept by the sheriff clerk of the county within which his lands lie (which books the said sheriff clerks are hereby authorized and required to keep for that purpose) the house, room or place which such baron or heretor hath provided or appropriated, or shall provide or appropriate, for being used as a prison, for rendering effectual the jurisdiction competent to him by law; and it shall not be lawful to such baron or heretor, or his baillie, to cause any person to be imprisoned in any other room or place than what shall be so entered; and every such house, room, or place shall be so situated, and have such windows or grates open to inspection from without, as that it may be practicable for any friend of the party imprisoned, to visit, see, and converse with the prisoner, when he shall be so minded; and that every such baron or heretor shall, for every offence against this act, forfeit the penalty of twenty pounds

Heretors possessed of criminal jurisdiction, not hereby taken away, to enter with the sheriffs clerks, the place appropriated for a prison.

None to be imprisoned in unentered places.

Prison to have windows open to inspection, &c.

Penalty 20 l.

Sheriffs to inspect the prisons, and disallow such as are grievous, &c.

pounds sterling, with costs, to the party injured; and that all and every the sheriffs of shires, and stewarts of stewartries, not hereby abrogated or taken away, or their deputies within *Scotland*, shall, and they are hereby required to visit and inspect all such houses, places, or rooms, as shall be so entered as prisons, and to disallow and prohibit the use of the same, in case they shall appear to the said sheriffs or stewarts, or their deputies respectively, to be places grievous, or unhealthy, or not agreeable to the regulations herein before enacted.

None to be committed for smaller crimes but by warrant, expressing the cause, &c.

Extracts to be transmitted to the sheriff.

XIX. Provided always, That from and after the said twenty fifth day of *March*, no person shall be committed to prison for custody, in order to trial, for any assaults, batteries, and smaller crimes, without a warrant or order in writing, expressing the particular cause for which such person is imprisoned; which warrant or order shall be entered at large in a book to be kept for that purpose; and extracts thereof shall be transmitted every six months to the sheriff or stewart court of the county or stewartry, in which such warrant or order shall issue or be executed, there to remain on record.

Jurisdictions of fairs and markets reserved.

XX. Provided also, That it shall and may be lawful to and for every heretor and proprietor of lands in *Scotland*, intitled by his infeftments, or any of them, to any fair or market, to have and exercise such jurisdiction, as is competent to him by law, for preserving the peace, determining controversies, and restraining or correcting riots, trespasses, or disorders which may arise, or be committed within any such fair or market during the continuance thereof; any thing herein contained to the contrary notwithstanding.

Jurisdictions of coal-works, salt-works, or mines, reserved.

XXI. Provided also, That every heretor, or proprietor of lands in *Scotland*, within which any coal-works or salt works, or mines of any kind, are or shall be carried on, shall and may be at liberty to exercise such power and jurisdiction, as is competent to him by law, over the colliers or salters, or other workmen employed in carrying on such coal-works, salt-works, or mines; any thing herein contained to the contrary notwithstanding.

Jurisdictions of fairs, coal-works, &c. reserved, not to extend to life, or demembration.

XXII. Provided always, That the power and jurisdiction hereby reserved to the proprietors of fairs or markets, and of coal-works, salt-works, and mines, or any of them, shall not extend, or be construed to extend, to continue or reserve to them, or any of them, any power or jurisdiction of trying, judging or determining, in any case whatsoever, inferring the loss of life, or demembration; but that all such jurisdiction and power of trying, judging, and determining, in any case inferring the loss of life, or demembration, shall be, and is hereby, from and after the said twenty fifth day of *March*, one thousand seven hundred and forty eight, wholly taken away and abrogated.

Judges in barons or other courts to take the oaths, and register a certificate.

XXIII. Provided always, and be it enacted by the authority aforesaid, That no baillie or other person shall, after the said twenty fifth day of *March*, one thousand seven hundred and forty eight, officiate as judge in any baron's or other court, for executing

cuting such jurisdiction as aforesaid, without first qualifying himself, by taking the oaths appointed by law to be taken by persons in offices of publick trust, and causing a certificate of his having done so to be entered or registered in a book to be kept for that purpose, by the clerks of the shires, stewartries, or burghs, where such person shall reside; and if any person, from and after the said twenty fifth day of *March*, shall presume to act or officiate as judge in any such court of barony, or such other courts as aforesaid, without having taken the said oaths, and causing the certificate of his having duly taken the same, to be registered as is above directed, every person so offending, being thereof lawfully convicted before any two or more justices of the peace, or before any other judge competent of the place, summarily, shall, for such offence, forfeit the sum of ten pounds sterling; one moiety thereof to his Majesty, his heirs and successors, and the other moiety to the use of such person who shall give information of the said offence; and shall suffer imprisonment for the space of six months, unless or until the same be paid.

Penalty 10l. or 6 months imprisonment.

XXIV Provided always, and it is hereby further enacted, That all and every person and persons who shall appear to have been lawfully possessed, on the said twenty fifth day of *March*, one thousand seven hundred and forty eight, of any such justiciary, regality, or other jurisdiction hereby abrogated, shall, from and after the said twenty fifth day of *March*, retain such jurisdiction of barony, or other lower jurisdiction, as such person or persons would have been intitled to, in case such justiciary, regality, or other jurisdiction hereby abrogated, had never been erected, granted, or existed; such lower jurisdiction nevertheless being always subject to the regulations hereby enacted concerning the like lower jurisdictions, throughout that part of the kingdom.

Jurisdictions of baronies, &c. reserved.

XXV. And be it further enacted by the authority aforesaid, That no letters patent, charter, or grant, to be made or granted by his Majesty, his heirs or successors, or by the barons of the court of exchequer in *Scotland*, at any time after the sixth day of *June*, in the year of our Lord one thousand seven hundred and forty seven, for the uniting or erecting any lands or tenements within that part of *Great Britain* called *Scotland*, into a barony, lordship, or earldom, or under any other denomination whatsoever, or for annexing any lands or tenements in *Scotland* to any barony, lordship, or earldom, or other district of the like nature, under any denomination whatsoever heretofore granted or erected, shall be sufficient or available in law to pass, grant, or convey to the grantee or grantees therein named, or any other person or persons whatsoever, any greater or other jurisdiction, than for recovering and uplifting from the vassals, tenant, or possessor of the lands and heretages of the proprietor of such barony, lordship, or earldom, the mails and duties, or rents and profits thereof, or for recovery of the multures or services payable or prestable to their mills; and that all letters patent;

Letters patent, &c. for uniting or erecting lands into baronies to grant jurisdictions only for the recovery of rents and duties, &c.

Grants contrary to this act null.

tent, charters, gifts, and grants of any of the premisses, to be made contrary to the true intent and meaning of this act, shall be, and they are hereby enacted and declared to be null and void.

Jurisdictions vested in royal boroughs reserved.

XXVI. Provided always, and it is hereby further enacted, That nothing in this act shall extend, or be construed to extend to take away, extinguish, or prejudice any jurisdiction or privilege, by law vested in or competent to the corporation or community of any royal borough in *Scotland*; and that all such jurisdictions, privileges and immunities, as are by law vested in or competent to such royal boroughs, or any of them, whether within or without the royalty of such boroughs respectively, are and shall be saved and reserved entire to them, or any of them, in such and the same manner, to all intents and purposes, as if this act had not been made.

Cumulative jurisdictions vested in burghs of regality, &c. reserved.

Exception.

XXVII. Provided always, and it is hereby further enacted, That nothing in this act contained shall extend, or be construed to extend to take away, extinguish, or prejudice any jurisdiction, authority, or privilege, by law vested in, or competent to the corporation or community of any burgh of regality, or of barony in *Scotland*, or to the magistrates of any such burgh respectively, which are independent of the lord of regality or baron respectively, except any power or privilege of repledging from the sheriff's or stewart's court, or any other of the King's courts; and from and after the said twenty fifth day of *March*, the jurisdiction hereby reserved to such corporation or community, or the magistrates thereof, shall be, and be deemed and taken to be cumulative only.

Officers executing poyndings, to carry the goods or samples to the market cross of the next royal burgh, &c.

XXVIII. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of *March*, one thousand seven hundred and forty eight, in the execution of poyndings, within that part of *Great Britain* called *Scotland*, it shall and may be lawful for the officer executing such poyndings, to carry the goods poynded, or samples thereof, in such cases where the carrying of samples is practised, to the market cross of that royal burgh, or burgh of regality, or barony (as well such whereof the jurisdiction is hereby abrogated or regulated, as those whereof the jurisdiction is saved entire) which shall lie nearest to the place where such poynding was inchoated, which shall be as sufficient to all intents and purposes, as if such goods or samples as aforesaid had been carried to the market cross of the head burgh of the shire; any law, custom, or usage to the contrary notwithstanding.

Regulations relating to sheriffs courts, and the qualifications of officers.

XXIX. *And whereas it is reasonable, That some further regulation should be made relating to the sheriffs courts in that part of* Great Britain *called* Scotland; be it further enacted by the authority aforesaid, That there shall be but one sheriff depute, or stewart depute, in every county, shire, or stewartry in *Scotland*, not hereby taken away or abrogated, and that he shall be an advocate of three years standing at the least, and shall, during the space of seven years from the said twenty fifth day of *March*, be

be nominated and appointed by his Majesty, his heirs or successors, by warrant under his or their sign manual, with such continuance as his Majesty, his heirs or successors shall think fit; and that after the end of the said seven years, the offices of sheriff depute, and stewart depute, shall be granted and held *ad vitam aut culpam* only, with competent salaries, to be ascertained and established for the time of their continuance; and that every such sheriff depute, or stewart depute, shall have power to nominate and appoint one or more person or persons to act as substitute or substitutes under him throughout the whole county, shire, or stewartry, or within such parishes or districts thereof, as shall be expressed in the commission of such substitute or substitutes during his pleasure, for whom he shall be answerable; and such substitute and substitutes are hereby required to take and subscribe openly, in such sheriffs or stewarts courts respectively, the oaths appointed by law to be taken by persons in offices of publick trust, to be there recorded, before he or they enter upon his or their office or offices; and that it shall and may be lawful for all sheriffs depute and stewarts depute, and their substitutes, to hold their courts at any time in the year, as well during the vacation of the court of session, as during the sitting thereof, without any dispensation from the said court; any law, custom, or usage to the contrary in any wise notwithstanding; and that it shall and may be lawful for the said sheriffs depute, or stewarts depute, not only to hold the stated courts at their head boroughs, but also to hold itinerant courts, at such times and places, within their respective jurisdictions, as they shall judge to be expedient, or at such times and places as they shall be directed or ordered by his Majesty, his heirs or successors, by warrant under his or their sign manual; which sheriffs depute, or stewarts depute, are hereby required to cause notice to be given, within a reasonable time before such itinerant courts shall be held; which notice they shall cause to be published at the several parish churches within the district for which the same are to be so held; and that every such sheriff depute, and stewart depute, shall be and reside personally within his county, shire, or stewartry, during the space of four months at least in the year; and that it shall not be lawful for any sheriff depute or stewart depute to advise, plead, or otherwise act as an advocate before any of the King's courts at *Edinburgh*, or at the circuit courts, in any cause, civil or criminal, arising within, or coming from his county, shire, or stewartry; and that in case any such sheriff depute or stewart depute shall not so reside, or shall so advise, plead, or otherwise act as an advocate, or shall be guilty of any gross misbehaviour, or neglect of duty, every such sheriff depute or stewart depute, being convicted of any such offence, upon a summary trial before the court of session, at the suit of his Majesty's advocate for the time being, or at the suit of any four or more of the freeholders intitled to vote in elections of members to serve in parliament for such county, shire, or stewartry, shall be deprived of his office.

XXX. And

High Sheriffs, &c. not to sit as judges.

XXX. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, which shall be in the year of our lord one thousand seven hundred and forty eight, it shall not be lawful for any principal, or high sheriff, or stewart in *Scotland*, personally to judge in any cause, civil or criminal, within his shire or stewartry, in virtue of such his office; any law or usage in any ways to the contrary notwithstanding.

Circuit courts to be held twice a year.

Judges to sit 6 days at each place.

XXXI. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *March* the circuit courts shall be regularly held twice in every year, within that part of *Great Britain* called *Scotland*, and the judges thereof shall continue by the space of six days at the least, at each town or place where the circuit courts shall be held, for the dispatch of business.

One judge may act in the absence of his colleague.

XXXII. *And whereas a doubt hath been entertained, whether it be lawful or competent for one judge to proceed to do business in the circuit courts, when his colleague happens to be necessarily absent, and the justice general not to be present at such circuit court*; it is hereby further enacted, That it shall and may be lawful for any one of the judges in such circuit courts to dispatch business whenever it shall happen that his colleague shall, through indisposition, or other necessary avocation, be absent, and the justice general not be present at such circuit court; any law, custom, or usage, to the contrary in any wise notwithstanding.

The western circuit to take in the shire of Argyll.

XXXIII. And it is hereby further enacted, That the county or shire of *Argyll*, and all the islands, places, districts, and bounds lying within, or subject to the jurisdiction of the justiciary now vested in, or belonging to the most noble *Archibald* duke of *Argyll*, shall be, and be deemed and taken to be within the limits of the circuit called the western circuit, or of such other circuit or circuits in *Scotland*, as shall be appointed by his Majesty, his heirs or successors, pursuant to the power herein after mentioned; and that the judges of the said circuit or circuits shall have and exercise the same jurisdiction, powers, and authorities within the said county or shire of *Argyll*, and the islands, places, districts, and bounds before-mentioned respectively, as in any other county or shire within the said circuit or circuits; and that the burgh of *Inverary*, being the head burgh of the shire of *Argyll*, shall be the place where the circuit court shall be held twice in the year, for the counties or shires of *Argyll* and *Bute*.

The circuit court to be held at Inverary for Argyll and Bute.

Persons aggrieved by sentence, &c. of the sheriffs court,

XXXIV. And to the end that the jurisdiction of the circuit courts, in that part of *Great Britain* called *Scotland*, may be rendered more useful and beneficial to his Majesty's subjects in that part of the united kingdom, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any party or parties conceiving himself or themselves aggrieved by any interlocutor, decree, sentence, or judgment of the sheriff's or stewart's court of any county, shire, or stewartry, or of the courts of any royal borough, or burgh of regality or barony, or of

of any court of any baron, or other heretor having such jurisdiction, as is not hereby abrogated or taken away, where such interlocutor, decree, sentence, or judgment shall be concerning matters criminal, of whatever nature or extent the same may be, except all cases which infer the loss of life or demembration, or in matters civil, where the subject matter of the suit did not exceed in value the sum of twelve pounds sterling, to complain and seek relief against the same, by appeal to the next circuit court of the circuit wherein such county, shire or stewartry, royal borough, or burgh of regality or barony, or such barony or estate shall lie, so as no such appeal be competent before a final decree, sentence, or judgment pronounced; and such appeal, it shall be lawful for the party conceiving himself aggrieved, to take and enter in open court, at the time of pronouncing such decree, judgment, or sentence, or at any time thereafter, within ten days, by lodging the same in the hands of the clerk of court, and serving the adverse party with a duplicate thereof personally, or at his dwelling-house, or his procurator or agent in the cause, and serving in like manner the inferior judge himself, in case the appeal shall contain any conclusion against him by way of censure or reparation of damages, for alledged wilful injustice, oppression, or other malversation; and such service shall be sufficient summons to oblige the respondents to attend and answer, at the next circuit court, which shall happen to be held fifteen days at least after such service; and thereupon the judge or judges, at such circuit court, shall and may proceed to cognosce, hear, and determine any such appeal or complaint, by the like rules of law and justice as the court of session, or court of justiciary respectively, may now cognosce and determine in suspensions of the interlocutors, decrees, sentences, or judgments of such inferior courts; but the said circuit court shall proceed therein in a summary way; and in case they shall find the reasons of any such appeal not to be relevant, or not instructed, or shall determine against the party so complaining or appealing, the said judge or judges shall condemn the appellant or complainer in such costs as the court shall think proper to be paid to the other party, not exceeding the real costs *bona fide* expended by such party; and the decree, sentence, or judgment of such circuit court, in any of the cases aforesaid, shall be final.

in criminal cases, not inferring loss of life or demembration, or in civil where the sum did not exceed 12l.

may appeal to the next circuit court.

Copy to be delivered to the respondents.

Circuit court to proceed in a summary way in hearing appeals;

and award costs on affirmance.

XXXV. Provided, That so much of this act as relates to appeals in civil causes to the circuit courts as aforesaid, shall be in force for the space of ten years, to be computed from the said twenty fifth day of *March*, and to the end of the then next session of parliament, and no longer.

Clause relating to appeals in civil causes in force for 10 years.

XXXVI. Provided always, That wherever such appeal shall be brought, such complainer at the same time he enters his appeal as aforesaid, shall lodge in the hands of the clerk of court, from which the appeal is taken, a bond, with a sufficient cautioner for answering and abiding by the judgment of the circuit court, and for paying the costs, if any shall be by that court awarded;

Appellant to give security.

Clerk of the court answerable for the security.

awarded; and the clerk of court shall be answerable for the sufficiency of such cautioner.

Circuit courts not able to determine appeal, to certify the same to the session.

XXXVII. Provided always, and it is hereby enacted by the authority aforesaid, That in case such circuit court shall, in cognoscing or proceeding upon such appeal, find any such difficulty to arise, that by means thereof such circuit court cannot proceed to the determination of the same, consistently with justice and the nature of the case; in any such case, and not otherwise, it shall and may be lawful to and for such circuit court to certify such appeal, together with the reasons of such difficulty, and the proceedings thereupon had before such circuit court, to the court of session, or court of justiciary respectively; which courts are hereby respectively authorized and required to proceed in, and determine the same.

Act of 1663, extended to all advocations in causes not exceeding 12l.

XXXVIII. And be it further enacted by the authority aforesaid, That the act of parliament made in *Scotland*, in the year one thousand six hundred and sixty three, intituled, *Act anent the discharging of advocations for sums within two hundred merks*, shall from and after the said twenty fifth day of *March*, be, and the same is hereby extended to the case of all advocations, in causes not exceeding the value of twelve pounds sterling.

His Majesty to make order for a new division and distribution of the circuit courts, &c.

XXXIX. *And whereas it will be for the evident utility of the subjects within* Scotland, *and for the more effectual administration of justice there, that the circuit courts should be held in some parts and places in* Scotland, *to which the judges have not hitherto used to go*; be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, by an order to be made in his or their privy council, to make a new division and distribution of the circuits in *Scotland*, or any of them, and to appoint and allot what counties, shires, stewartries, places, districts, and bounds, shall be comprehended within any such circuit, and at what times and places the circuit courts shall be held respectively for ever after; and such order so to be made as aforesaid, shall be duly performed, observed, and obeyed; and the judges, in such new circuits so to be appointed, shall have, exercise, and enjoy the same jurisdiction, powers, authorities, and privileges, as by virtue of any law now in force, or by this act, are or would be competent to the judges in the circuits already established in *Scotland*, or any of them.

Circuit courts to be held in the towns appointed by act of 1672, &c.

XL. Provided always, That circuit courts shall continue to be held at such towns, as are appointed for keeping and holding of circuit courts, by an act of parliament made in the year one thousand six hundred and seventy two, intituled, *Act concerning the regulation of the judicatories*, or by this act, but without prejudice to the power hereby vested in his Majesty, his heirs or successors, to diminish, augment, or alter the districts, for which such circuit court shall be held, pursuant to the provision herein before made; and the court of session in *Scotland* is hereby directed and required to take into their consideration what fees they shall judge reasonable, to be paid to the clerks or other officers officiating in the circuit courts, or in the courts of

of sheriffs or stewarts in civil causes, and regulate the same by one or more act or acts of *Sederunt*, on or before the said twenty fifth day of *March*, one thousand seven hundred and forty eight; which shall be binding upon all parties concerned, unless or until the same shall be altered by act of parliament; and the court of justiciary shall in like manner take into their consideration what fees they shall judge reasonable to be paid to the clerks, or other officers officiating in the circuit courts, or in the sheriffs or stewarts courts, in criminal causes, and shall regulate the same by one or more act or acts of adjournal, on or before the said twenty fifth day of *March*, which shall in like manner be binding on all parties concerned, unless or until the same be altered by act of parliament.

Officers fees to be regulated by the session and justiciary.

XLI. *And whereas it hath been found by experience, that the regulation concerning trials in the court of justiciary in* Scotland, *introduced by the fourth act of the parliament of* Scotland, *held in the year one thousand six hundred and ninety five, intituled,* Act anent the justice court, *is unnecessary and inconvenient*, be it therefore enacted by the authority aforesaid, That so much of the said act as directs, that after the debate of the relevancy is ended, the King's advocate or advocates, or procurators for the pursuer, and for the pannel respectively, shall give into the clerk informations in writing, to be recorded in the books of adjournal, to be read in open court at advising, be and is hereby repealed; and that in place thereof, and of the ancient use and custom observed in that court, of advocates or procurators dictating, and the clerks writing of the debate on the relevancy, which use and custom is by the said act discharged and laid aside, the pannel shall give into the clerk of the court the day before the trial, in writing, subscribed by the pannel, or one of his procurators, such account of the facts, relating to the matters charged upon him in the libel or indictment, and thereto briefly subjoin the heads of such objections or defences, as he shall think fit or be advised to make at his trial, and that after the debate on the relevancy, *viva voce*, the minutes whereof shall be taken down, or made up in the same manner in the justiciary court at *Edinburgh*, as is now practised at the circuit courts, or in the court of session, it shall be lawful for the court forthwith to pronounce their interlocutor upon the relevancy, and to proceed to the trial, or to adjourn their interlocutor upon the relevancy, or the trial, to a further day, as they shall see cause.

Regulation of trials in the court of justiciary by an act of 1695 repealed.

Regulations to be observed in place of those repealed.

XLII. Provided always, That it shall and may be lawful for the said court of justiciary, in the trial of any crimes or offences, other than high treason, to direct by a special order for that purpose, in such cases as for their difficulty or importance shall appear to require such direction, that informations in writing be given in by the procurators for the pursuer and the pannel respectively, in any part of the trial where questions of such difficulty shall occur, whether, after the debate on the relevancy of the libel, or of the defences, or on the import of a special verdict,

Rules to be observed by the justiciary where questions of difficulty occur.

verdict, or on the degree of punishment, or extent of the pains of law for the crime libelled, or upon any matters that shall be alledged for the pannel before judgment.

Sheriff's fines abolished.

XLIII. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, in the year of our Lord one thousand seven hundred and forty eight, no fines, forfeitures, or penalties, set, imposed, or recovered in the sheriff's or stewart's court of any county, shire, or stewartry in *Scotland*, shall accrue, go, or belong to the sheriff or stewart or any sheriff depute or stewart depute, but all shares of such fines, forfeitures, and penalties, as heretofore went to the judge, shall accrue and belong to his Majesty, his heirs and successors, and shall be accounted for, and paid into the exchequer of *Edinburgh*, in like manner, and the like process, rules, orders, and methods of proceeding, shall be issued, observed, and used for levying the same, and compelling the accounting for, bringing in, and paying the same into the said exchequer, as are now competent by law for the accounting for, levying, bringing in, and paying into the said exchequer any fines, forfeitures, and penalties accruing or becoming due to his Majesty; and that from and after the said twenty fifth day of *March*, no fees, poundage, or profits, commonly called sentence money, shall be received, taken, or demanded by any sheriff or stewart, sheriff depute or stewart depute, or any of their ministers, officers, or clerks, but all such fees, poundage, or profits, commonly called sentence-money, are hereby utterly taken away, discharged, and abolished; any law, custom, gift, grant, usage, or practice to the contrary in any wise notwithstanding.

Judges fines to be paid into the exchequer

Rules to be observed in levying, &c.

Sentence money abolished.

Agents &c. to take the oaths.

XLIV. And be it further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty seven, it shall not be lawful for any person whatsoever in *Scotland* to act as a writer, agent, or solicitor, or to manage, agent, or solicit any cause or business in the court of session, court of justiciary (whether at *Edinburgh*, or in the circuit courts) or in the court of *Exchequer*, until such person shall have first taken and subscribed the oaths in the court of session or justiciary, or in one of the sheriffs or stewarts courts, appointed by law to be taken by persons in offices, civil or military, in *Scotland*, and caused a certificate of his having so done to be entered or registered in a book to be kept for that purpose in the respective courts, where any such person shall so officiate, and it shall not be lawful for any person whatsoever to act or officiate as a procurator, writer, agent, or solicitor, or to plead manage, agent, or solicit any cause or business in the court of any sheriff or stewart in *Scotland*, or any other inferior court, until such person shall have first taken and subscribed the said oaths as aforesaid, and caused a certificate thereof to be registered in such court or courts where he shall officiate as aforesaid; any law, custom, or usage to the contrary notwithstanding; and every such court shall be obliged, upon demand of such persons, to administer and register such oaths respectively; and every per-

son who shall, after the said twenty ninth day of *September*, one thousand seven hundred and forty seven, act in manner above-mentioned in any of the courts aforesaid, without having first taken and subscribed the said oaths, and caused a certificate thereof to be registered as herein directed, shall, for every such offence, being thereof lawfully convicted in any of the courts aforesaid, where the offence shall have been committed, or before the court of session, or justiciary, upon a summary trial, forfeit the sum of twenty pounds sterling; one moiety thereof to his Majesty, his heirs and successors, and the other moiety to the use of such person who shall give information of the said offence; and shall suffer imprisonment for the space of six months, unless or until the same be paid.

Agents acting without having taken the oaths, &c.

to forfeit 20l.

or be committed.

## CAP. XLIV.

*An act to extend the provisions of an act made in the thirteenth year of his present Majesty's reign, intituled,* An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his Majesty's colonies in *America, to other foreign protestants who conscientiously scruple the taking of an oath.*

WHEREAS *by an act made in the thirteenth year of his present Majesty's reign, intituled,* An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his Majesty's colonies in *America; it was enacted, That from and after the first day of* June, *in the year of our Lord one thousand seven hundred and forty, all persons born out of the ligeance of his Majesty, his heirs or successors, who had inhabited and resided, or should inhabit and reside for the space of seven years, or more, in any of his Majesty's colonies in* America, *and should not have been absent out of some of the said colonies for a longer space than two months, at any one time during the said seven years, and should take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an act made in the first year of the reign of his late majesty King* George *the First, intituled,* An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess *Sophia*, being protestants, and for extinguishing the hopes of the pretended prince of *Wales*, his open and secret abettors; *or being of the people called* Quakers, *should make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by an act made in the eighth year of the reign of his said late Majesty, intituled,* An act for granting the people called *Quakers*, such forms of affirmation or declaration, as may remove the difficulties which many of them lie under; *and also make and subscribe the profession of his christian belief, appointed and prescribed by an act made in the first year of the reign of their late majesties King* William *and Queen* Mary, *intituled,* An act for exempting their Majesties protestant subjects from the penalties of certain laws, *before the chief judge, or other judge*

13 Geo. 2. c. 7.

1 Geo. 1. c. 13.

8 Geo. 1. c. 6.

1 W. & M. st. 1. c. 18.

*judge of the colony wherein such persons respectively had so inhabited and resided, or should so inhabit and reside, should be deemed adjudged, and taken to be his Majesty's natural-born subjects of this kingdom, to all intents, constructions, and purposes, as if they, and every one of them, had been or were born within this kingdom: and whereas many of the people of the congregation called the* Moravian *brethren, and other foreign protestants, not* Quakers, *who conscientiously scruple the taking of an oath, are settled in his Majesty's colonies in* America, *and demean themselves there as a sober, quiet, and industrious people, and many others of the like persuasion are desirous to transport themselves thither; and if the benefit of the said act, made in the thirteenth year of his present Majesty's reign, were extended to them, they who are now there would thereby be encouraged to continue their residence in his Majesty's colonies, and others would resort thither in greater numbers, whereby the said colonies would be improved, their strength increased, and their trade extended*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty seven, all foreign protestants, who conscientiously scruple the taking of an oath, and who are born out of the ligeance of his Majesty, his heirs or successors, who have inhabited and resided, or shall inhabit and reside, for the space of seven years or more, in any of his Majesty's colonies in *America*, and shall not have been absent out of some of the said colonies for a longer space than two months at any one time during the said seven years, and shall make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by the said recited act, made in the eighth year of the reign of his late majesty King *George* the First, and also make and subscribe the profession of his christian belief, appointed and prescribed by the said recited act, made in the first year of the reign of their late majesties King *William* and Queen *Mary*, before the chief judge or other judge of the colony wherein such persons respectively have so inhabited and resided, or shall so inhabit and reside, shall be deemed, adjudged, and taken to be his Majesty's natural-born subjects of this kingdom, to all intents, constructions, and purposes, as if they and every of them had been or were born within this kingdom; which said affirmation and subscription of the said declaration, the said chief or other judge of every of the said respective colonies, is hereby enabled and impowered to administer and take: and the taking of every such affirmation, and the making and subscribing of every such declaration, shall be in such manner and place, and at such times and hours, and such entries made thereof, and for the same fees, and under the same penalties, as in the said recited act of the thirteenth year of his Majesty's reign are mentioned; and lists of the persons who shall take the benefit of this act, shall be transmitted to the commissioners of trade and

Foreign protestants residents in America 7 years, who scruple an oath, upon making and subscribing the affirmation of fidelity and declaration;

to be deemed natural born subjects.

Lists of persons taking the benefit to be

and plantations, in like manner, and under the same penalties, as lists of the persons taking the benefit of the said act are thereby directed to be transmitted.

transmitted to the commissioners of trade.

II. Provided always, and be it enacted by the authority aforesaid, That no person shall be naturalized by virtue of this act, unless such person shall have received the sacrament of the Lord's supper, in some protestant or reformed congregation, within some of the said colonies in *America*, within three months next before his taking such affirmation, and making and subscribing such declaration, and shall at the time of his taking such affirmation and making and subscribing such declaration, produce a certificate, signed by the person administering the said sacrament, and attested by two credible witnesses, whereof an entry shall be made in the secretary's office of the colony wherein such person shall so inhabit and reside, as also in the court where the said affirmation shall be so taken as aforesaid, without any fee or reward.

Persons to qualify themselves by taking the sacrament.

Certificate and entry thereof to be made.

III. And be it further enacted by the authority aforesaid, That the provisions contained in the said act, made in the thirteenth year of his present Majesty's reign, with regard to certificates of residence, and of having made and subscribed the said declaration, and taken the said affirmation, and as to such certificates being made evidence in the courts of *Great Britain* and *Ireland*, and also in the said colonies, and all other the benefits of the said act, shall extend to foreign protestants, who conscientiously scruple the taking of an oath, and who shall be qualified as aforesaid.

Provisions of act 13 Geo. 2. with regard to certificates, &c. extended to such foreign protestants.

IV. Provided always, That the said foreign protestants shall enjoy the privileges of natural born subjects, and all the benefits of this act, and the said act of the thirteenth year of his Majesty's reign.

Privileges of natural-born subjects, &c.

V. Provided always, and be it hereby further enacted, That no person who shall become a natural-born subject of this kingdom, by virtue of this act, shall be of the privy council, or a member of either house of parliament, or capable of taking, having, or enjoying any office or place of trust within the kingdoms of *Great Britain* or *Ireland*, either civil or military, or of having, accepting, or taking any grant from the crown to himself, or to any other in trust for him, of any lands, tenements, or hereditaments, within the kingdoms of *Great Britain* or *Ireland*, any thing herein before contained to the contrary thereof in any wise notwithstanding.

Restrictions.

VI. Provided also, and it is hereby further enacted by the authority aforesaid, That nothing in this act, or in the said recited act of the thirteenth year of his Majesty's reign contained, shall extend, or be construed to extend to naturalize any person or persons whatsoever who by virtue of an act made in the fourth year of his Majesty's reign (intituled, *An act to explain a clause in an act made in the seventh year of the reign of her late majesty Queen* Anne, *for naturalizing foreign protestants, which relates to the children of natural-born subjects of the crown of* England, *or of* Great Britain) are declared and enacted not to be intitled to the benefit of the said act of the seventh year of her said late Majesty's

Persons excluded from this or 13 Geo. 2.

4 Geo. 2. c. 21.

reign, but that all such persons shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been in, if the said recited act of the thirteenth year of his Majesty's reign, or this act, had never been made; any thing in this act, or in the said recited act of the thirteenth year of his Majesty's reign contained to the contrary in any wise notwithstanding.

## CAP. XLV.

*An act to continue several laws relating to the manufactures of sail-cloth and silk; to give further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices, and for better securing the payment of the said duties; and declaring that prize ships lawfully condemned shall be deemed* British *built ships; and for allowing prize goods to be landed and secured in proper warehouses, without payment of any duty, until it can be determined whether they are fit for exportation or home consumption.*

WHEREAS *the laws herein after mentioned, which have by experience been found useful and beneficial, are near expiring*, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the twelfth year of the reign of her late majesty Queen *Anne*, intituled, *An act for the better encouragement of the making of sail-cloth in* Great Britain; which was to continue in force for seven years, and from thence to the end of the then next session of parliament; and which was, by an act made in the fifth year of his late Majesty's reign, further continued for the term of seven years, and from thence to the end of the then next session of parliament; and which, by another act made in the tenth year of the reign of his said late Majesty, was further continued for the term of seven years, and from thence to the end of the then next session of parliament; and which, by another act made in the eighth year of the reign of his present Majesty, was further continued until the twenty fifth day of *March*, one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament; and which, by another act made in the fifteenth year of the reign of his present Majesty, was further continued until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof until the first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

12 Annæ, c. 16.

5 Geo. 1. c. 25.

10 Geo. 1. c. 17.

8 Geo. 2. c. 18.

15 Geo. 2. c. 35.

Continued to 1 June, 1754. *Farther continued by* 27 Geo. 2. c. 18.

II. And

II. And be it further enacted by the authority aforesaid, That the several clauses contained in an act made in the eighth year of the reign of his late Majesty, (intituled, *An act for encouragement of the silk manufactures of this kingdom; and for taking off several duties on merchandizes exported; and for reducing the duty upon beaver-skins, pepper, mace, cloves, and nutmegs, imported; and for importation of all firs of the product of the* British *plantations into this kingdom only; and that the two corporations of assurance, on any suits brought on their policies, shall be liable only to single damages and costs of suit)* relating to the encouragement of the silk manufactures of this kingdom, and for taking off several duties on merchandizes exported, which were to continue in force for three years, from the twenty fifth day of *March*, one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; and which said clauses were, by an act made in the eleventh year of his said late Majesty's reign, continued from the expiration thereof for three years, and from thence to the end of the then next session of parliament; and by another act made in the second year of his present Majesty's reign, were further continued from the expiration thereof until the twenty ninth day of *September*, one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which, by another act made in the eighth year of his present Majesty's reign, were further continued until the twenty fifth day of *March*, one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament; and which, by an act made in the fifteenth year of the reign of his present Majesty, were further continued until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament; shall be, and the same are hereby continued from the expiration thereof until the said first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

Clauses in 8 Geo. 1. c. 15.

11 Geo. 1. c. 29.

2 Geo. 2. c. 28.

8 Geo. 2. c. 18.

15 Geo. 2. c. 35

Continued to 1 June, 1754. *Farther continued by* 26 Geo. 2. c. 32.

III. And be it further enacted by the authority aforesaid, That the two last clauses in an act made in the ninth year of the reign of his late Majesty, for continuing some laws, and reviving others therein mentioned, for more effectual preventing frauds in mixing silks with stuffs to be exported, which said clauses were by an act, made in the second year of the reign of his present Majesty, to continue in force from the twenty ninth day of *September*, one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which, by another act, made in the eighth year of the reign of his present Majesty, were further continued until the twenty fifth day of *March*, one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament; and which by another act made in the fifteenth year of the reign of his present Majesty, was further continued until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of par-

The two last clauses in 9 Geo. 1. c. 8.

continued to 1 June, 1754.

parliament, shall be, and are hereby further continued until the said first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

8 Ann. c. 9. 9 Ann. c. 21.

IV. *And whereas by two several acts of parliament made and passed in the eighth and ninth years of the reign of her late majesty Queen* Anne, *certain rates and duties, to be under the management of the commissioners for the stamp duties, were charged and directed to be levied or continued, for or in respect of monies given, paid, or contracted for, with clerks, apprentices, or servants, to be paid at such times, and in such manner, and under such penalties, as in and by the said several acts are respectively mentioned, expressed, and provided: and whereas by an act made and passed in the eighteenth year of the reign of his present Majesty, intituled,* An act for granting to his Majesty the sum of eight hundred thousand pounds out of the sinking fund, and for granting a sum remaining in the exchequer, arisen by the surplus of the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty five; and for the further appropriating the supplies granted in this session of parliament; and for giving further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices; and for the further enforcing the payment of the said duties; *after taking notice of the said two former acts, and that several persons had, through negligence or inadvertency, omitted to pay the several rates and duties payable in that behalf; and to have the indentures or contracts stamped within the times, for those purposes respectively limited by the said acts, whereby such clerks, apprentices, or servants, and their masters or mistresses respectively, had incurred, and might be subject to several penalties, forfeitures, and disabilities, it is therefore enacted, That upon payment of the several rates and duties so omitted or neglected to be paid as aforesaid, on or before the first day of* August, *one thousand seven hundred and forty five, and tendering to be stamped such indentures or contracts so omitted to be stamped at the same time, or at any time before the twenty ninth day of* September, *one thousand seven hundred and forty five, the same indentures or contracts should be good and available in law and equity, and might be given in evidence; and the clerks, apprentices, or servants therein named, should be capable of following and exercising their respective intended trades and employments, as fully as if the rates and duties so omitted, had been duly paid within the respective times in the said former acts limited and appointed, and the persons who had incurred any penalties by the omissions aforesaid, upon payment of such rates and duties as aforesaid, within the time thereby before limited, were thereby acquitted and discharged from the said penalties: and it was thereby further enacted, That after the twenty fourth day of* June, *one thousand seven hundred and forty five, if any master or mistress should neglect to pay the said rates and duties for clerks, apprentices, or servants, within the respective times, in and by the former acts limited and appointed in that behalf, according to the true intent and meaning of the same; every such master and*

18 Geo. 2. c. 22.

*and mistress should, for every such neglect, forfeit and pay double the rates and duties charged and directed to be paid and levied by the said former acts, or either of them (over and above all penalties and forfeitures thereby inflicted) for all monies which should, at any time or times, after the said twenty fourth day of* June, *one thousand seven hundred and forty five, be given, paid, contracted, or agreed for, with, or in relation to every such clerk, apprentice, or servant, to be recovered, paid, and applied, in such manner as is therein mentioned: and it was thereby further enacted, That if any master or mistress of any such clerk, apprentice, or servant respectively, should neglect to pay the said rates and duties so charged by the said former acts, or either of them, within the respective times therein limited in that behalf, whereby the penalties and forfeitures incurred by the said act of the eighteenth year of his present Majesty, would become charged upon, and be payable by them respectively; and any such clerk, apprentice, or servant respectively, should in that case pay or cause to be paid the rates and duties charged by the said former acts, or either of them, and also the penalties and forfeitures inflicted and incurred by the said act of the eighteenth year of his present Majesty, at any time within one year after the same should so respectively become charged, incurred, and made payable by virtue of the same act, as aforesaid (such masters or mistresses not having then paid the said rates, duties, penalties, and forfeitures respectively, although required by such clerk, apprentice, or servant so to do) then, and in such case, it should and might be lawful to and for any such clerk, apprentice, or servant, within three months after such payment of the said rates, duties, penalties, and forfeitures respectively by him, her, or them as aforesaid, to demand of his or her master or mistress, or his, her, or their executors or administrators, such sum or sums of money, as was or were paid to such master or mistress, for or in respect of such clerkship, apprenticeship, or servitude; and in case such sum or sums of money should not be paid within three months after such demand thereof made, it should and might be lawful to and for such clerk, apprentice, or servant, to sue for and recover the same, with full costs of suit, against such master or mistress, his, her, or their executors or administrators, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at* Westminster, *wherein no essoin, protection, wager at law, or more than one imparlance, should be allowed; and every such clerk, apprentice, or servant, should and might, immediately after payment of such rates, duties, penalties, and forfeitures as aforesaid, be discharged from his, her, or their clerkship, apprenticeship, and service respectively, and from all actions, penalties, forfeitures, and damages, for not serving the time for which he, she, or they were respectively bound, contracted for, or agreed to serve such master or mistress respectively: and it was thereby further enacted and declared, That every such clerk, apprentice, or servant, should avail him or herself, and have such and the same benefit and advantage of the time he or she should respectively have continued with, and served such master or mistress respectively, as he or she could or might have done, in case of any assignment or turning over to any new or other*

*master or mistress: and whereas several masters and mistresses do still frequently neglect and omit to pay the said several rates and duties payable in that behalf, whereby they have rendered themselves and their respective clerks, apprentices, and servants, subject and liable to several penalties, forfeitures, and disabilities:* now, for preventing the said inconveniencies, and for the better enforcing the payment of the said rates and duties for the future, be it enacted by the authority aforesaid, That if any master or mistress, who at any time heretofore shall have neglected to pay the said rates and duties for clerks, apprentices, or servants, shall, on or before the twenty ninth day of *September*, one thousand seven hundred and forty seven, pay the double rates and duties, directed to be forfeited and paid by the said act of the said eighteenth year of the reign of his present Majesty, unto the person or persons to whom the same ought to be paid pursuant to the same act, and shall tender to be stamped such indentures or contracts so omitted to be stamped, at the same time, or at any time before the twenty fifth day of *December*, one thousand seven hundred and forty seven; then, and in such case, the same indentures and contracts shall be good and available in law and equity, and may be given in evidence in any court whatsoever; and the clerks, apprentices, or servants therein named, shall be capable of following and exercising their respective intended trades or employments, as fully as if the rates and duties so omitted, had been duly paid within the respective times in the said former acts, or either of them, limited and appointed; and all and every person and persons, who shall have incurred any penalties by the omissions aforesaid, upon payment of such double rates and duties as aforesaid, within the time before limited, are hereby acquitted and discharged from the said penalties; any thing in the said two former acts, or either of them, contained to the contrary notwithstanding.

Further time given for payment of duties omitted to be paid for the indentures of clerks and apprentices, upon payment of double duties, &c.

Penalties incurred by omissions discharged upon payment of double duties.

V. And it is hereby further enacted, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty seven, if any master or mistress, who, by reason of such neglect as aforesaid, shall become liable to forfeit and pay the said double rates and duties as aforesaid, shall respectively pay the said double rates and duties unto the person or persons to whom the same ought to be paid in pursuance of the said former acts, and also tender the indentures or contracts to be stamped at any time within two years after the end or determination of the apprenticeship or service of any such clerk, apprentice, or servant respectively, and before any suit or prosecution shall have been commenced for recovering any of the penalties and forfeitures inflicted and incurred by the said former acts, or any of them, then, and in such case, the indentures or contracts of such clerk, apprentice, or servant respectively, shall be good and available in law and equity, and may be given in evidence in any court whatsoever; and the clerks, apprentices, or servants therein named, shall be capable of following and exercising their respective intended trades or employments, as fully as

Upon payment of double duties and tender of the contracts to be stamped within 2 years after the end of the apprenticeship, &c.

the contracts to be good, &c.

as if the rates and duties so omitted, had been duly paid within the respective times in the said former acts, or any of them, limited or appointed; and all and every person and persons, who shall have incurred any penalties by the omissions aforesaid, upon payment of such double rates and duties as aforesaid, within the respectives times herein last before limited in that behalf, shall be, and they are hereby acquitted and discharged of and from the said penalties and forfeitures; any thing in the said former acts, or any of them, contained to the contrary notwithstanding.

Penalties incurred for omissions discharged upon payment of double duties.

VI. And it is hereby further enacted, That if any master or mistress shall, by reason of any such neglect as aforesaid, become liable to forfeit and pay such double rates and duties as aforesaid, and any such clerk, apprentice, or servant respectively, shall and do, at any time after such forfeiture incurred, either in the presence of one or more credible witness or witnesses, or by writing under the hand of such clerk, apprentice, or servant respectively, signed in the presence of one or more credible witness or witnesses, require his or her master or mistress respectively to pay the said double rates or duties so incurred as aforesaid, and such master or mistress shall not, within three months after such request, pay the same, and any such clerk, apprentice, or servant shall, at any time within two years after the determination of his clerkship, apprenticeship, or servitude, pay the said double rates and duties so forfeited and incurred, and not paid by his or her master or mistress respectively as aforesaid, then, and in such case, it shall and may be lawful to and for any such clerk, apprentice, or servant, within three months after such payment of the said double rates and duties by him, her, or them, as aforesaid, to demand of his or her master or mistress, or his, her, or their executors or administrators, double the sum or sums of money, or other consideration respectively given, paid, and agreed, or contracted to be paid to such master or mistress, for or in respect of such clerkship, apprenticeship, or servitude; and in case such sum or sums of money shall not be paid within three months after such demand thereof made, it shall and may be lawful to and for any such clerk, apprentice, or servant, to sue for and recover the same, with full costs of suit, against such master or mistress, his, her, or their executors or administrators, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; and every such clerk, apprentice, or servant, so paying such double rates or duties as aforesaid, shall and may, immediately after payment thereof respectively, and upon signifying, by writing under his or her hand, that he or she desires to be discharged from his, her, or their clerkship, apprenticeship, and service respectively, shall be accordingly discharged from the same respectively, and from all actions, penalties, forfeitures, and damages, for not serving the time for which he, she, or they were respectively bound,

Apprentices, &c. paying the double duties forfeited by their masters, &c.

to be reimbursed double the sum paid in respect of such apprenticeship, &c.

with costs;

and be discharged from their apprenticeship, if they require it;

contracted for, or agreed to serve such master or mistress respectively.

and to have the same benefit of their service, as if they had been turned over.

VII. Provided always, and it is hereby further enacted and declared, That every such clerk, apprentice, or servant, shall avail him or herself, and have such and the same benefit and advantage of the time he or she shall respectively have continued with and served such master or mistress respectively, as he or she could or might have done, in case of any assignment or turning over to any new or other master or mistress.

Apprentices paying the double rates where prosecutions are commenced against their masters,

VIII. Provided always, That in case where any prosecution shall be commenced against any master or mistress, for recovering any of the penalties and forfeitures inflicted and incurred by the said former acts, or any of them, the clerk, apprentice, or servant of such master or mistress respectively shall pay such double rates and duties, at any time within two years after the end of his, her, or their clerkship, apprenticeship, or servitude, and every such clerk, apprentice, or servant respectively, shall, upon payment of such double rates and duties as aforesaid, be capable and qualified to follow and exercise his, her, and their respective trades and employments; and the indentures or contracts of such clerk, apprentice, and servant respectively, shall be good and available in law and equity, and may be given in evidence in any court whatsoever; any thing in this or the said former acts, or any of them, contained to the contrary notwithstanding.

to be qualified to follow their trades, &c.

Prize ships to be deemed as British built.

IX. *And whereas it is reasonable and fit, that prize ships or vessels, lawfully condemned, should be deemed as* British *built ships or vessels, to all intents and purposes*, be it therefore enacted by the authority aforesaid, That all prize ships or vessels, which have been at any time, or shall be legally condemned, shall, to all intents and purposes whatsoever, be considered as *British* built ships or vessels, and be deemed and taken as such, and shall be intitled to have and enjoy all and every the same rights, liberties, privileges, and advantages in all respects whatsoever with *British* built ships or vessels, and shall be subject and liable to all and every the rules and regulations, that *British* built ships or vessels are subject and liable to; any law, custom, or usage to the contrary thereof in any wise notwithstanding.

X. *And whereas his Majesty's ships of war and privateers have, during the present war against* France *and* Spain, *taken divers goods and merchandizes from his Majesty's enemies, which have, with the privity and approbation of the commissioners, or other proper officers of the customs or excise, been landed and deposited in warehouses under his Majesty's locks, in order to be examined to ascertain the particulars and natures of such goods, and sundry parts whereof, having upon such examination, been found unfit for the consumption of this kingdom, and most proper to be exported to foreign parts, have been declared by the captors for exportation, and in order thereto, been continued in such warehouses, under the care and inspection of the officers of the customs or excise: and whereas some doubts have arisen, whether the said goods can be re-exported by any others but the captors,*

or

*or in other ships than those in which they were taken and imported, or without first being entered, and paying the duties of custom or excise for the same; and which in several instances amounting to more than the profit that can be made by the captors of such goods, would deprive them of the whole benefit thereof; and in many instances, the re-exporting such prize goods by the captors themselves, in the ships in which they are taken and imported, would be impossible; goods taken in neutral ships, being often condemned where the ship is discharged, and would in most cases be impracticable, as the goods declared for exportation are never any thing near a sufficient cargoe to lade a ship to a foreign market, and the captors not being merchants, but seamen, have no houses abroad, and are wholly unacquainted with transactions of this nature*; for remedy of which inconveniency, and for the further encouraging the making captures from the enemy, be it further enacted by the authority aforesaid, That all goods and merchandize that have been, or shall, during the continuance of the present war with *France* or *Spain*, be taken from his Majesty's enemies, and landed from on board of any ship or vessel, in any port within the kingdom of *Great Britain*, and put into warehouses provided, or to be provided, at the sole expence of the captors, with the privity and approbation of the commissioners, or other officers of the respective duties of customs or excise, to which such goods or merchandize are liable, and under the King's locks, in order to be examined, to ascertain the particulars and nature of such goods and merchandize, and that have, or shall, from the landing thereof, continue and remain in such warehouses, under the care and inspection of the commissioners, or other officers of the respective duties of customs or excise, to which such goods or merchandize are liable; and that within the space of three months after the landing thereof, have been, or shall be declared by or on the behalf of the captors, to the said commissioners or officers of the respective duties of custom or excise, to which such goods or merchandize are liable, to have been, or to be intended to be re-shipped to foreign parts, shall, and may, from time to time, and at all times hereafter, be exported directly from such warehouses to foreign parts, in any ship or ships belonging to his Majesty's subjects, either by the captor or captors of such goods or merchandizes, or by any other person or persons to whom the captor or captors have under such declaration for exportation as aforesaid, sold or disposed of the same, or shall or may sell or dispose of the same, for exportation as aforesaid, without paying any duty of custom or excise for the same, the person or persons exporting the same, giving sufficient security before the shipping thereof, that the goods and merchandize that shall be intended by him or them to be exported, as aforesaid, or any part thereof, shall not be re-landed or brought again into any part or parts of *Great Britain*; which security the customer or collector of the port where the same is intended to be exported, is hereby directed and authorized to take in his Majesty's name, and to his Majesty's use.

Prize goods landed, and put into warehouses;

upon declaration of the captors, of their intention to re-ship them,

may be exported without paying duty. 21 Geo. 2. c. 2. s. 8.

Exporter to give security.

CAP.

## CAP. XLVI.

*An act to prevent the return of such rebels and traitors concerned in the late rebellion, as have been, or shall be pardoned on condition of transportation; and also to hinder their going into the enemies country.*

WHEREAS, *during the time of the late wicked and unnatural rebellion, and since, a great number of persons who had taken up arms, or were otherwise engaged in the said rebellion, were by his Majesty's great vigilance and care apprehended, several of whom have been tried and convicted of the said treasons, and many conscious of their guilt, have by their petition, implored his Majesty's mercy, upon condition of their being transported to some of the* British *colonies and plantations in* America: *and whereas his Majesty out his great clemency hath been most graciously pleased to grant his royal pardon to several of them as well those who were so tried and convicted, as those who by their petitions have acknowledged their guilt, and implored his Majesty's mercy as aforesaid, and others may hereafter be pardoned on the like application and condition: and whereas it is thought expedient for the publick safety, that all proper means should be taken to prevent their returning from the said colonies or plantations, or going to his Majesty's enemies*; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

Rebels returning from transportation without licence,

That if any person or persons to whom his Majesty has, or shall hereafter grant his most gracious pardon for the said treasons, or any of them, on condition of their being transported to some of the *British* colonies or plantations in *America*, shall, without the licence of his Majesty, his heirs or successors, under his or their privy seal or sign manual for that purpose, or some other lawful cause, return, or come into, or be at large, in any part of *Great Britain* or *Ireland*, or voluntarily go into, or continue in any part of the dominions of the *French* King, or the King of *Spain*, in *Europe*, *America*, or elsewhere, he, she, or they so returning, or coming into, or being in any part of *Great Britain* or *Ireland*, as aforesaid, or who shall voluntarily go into, or continue in any part of the dominions of the *French* King, or King of *Spain*, shall not only have no benefit of such pardon, but shall be guilty of felony, and shall suffer death, and forfeit as in cases of felony, without benefit of clergy.

or voluntarily going into France or Spain,

to suffer death without clergy.

II. And be it further enacted by the authority aforesaid, That in case any person or persons whatsoever, shall knowingly aid or assist any such person or persons so pardoned, or to be pardoned, on condition of transportation, as aforesaid, in his, her, or their unlawful returning, or coming into, or becoming or being at large in *Great Britain* or *Ireland*, or in going into, or continuing in any of the dominions of the *French* King, or the King of *Spain*, without such licence, or other lawful cause, such person or persons so offending, shall be guilty of felony, and suffer

Aiders of persons returning,

suffer death, and forfeit as in cases of felony, without benefit of clergy. to suffer death, &c.

III. And in case any person or persons so pardoned, or to be pardoned, as aforesaid, shall unlawfully go into, or continue in any of the dominions of the *French* King, or the King of *Spain*, be it further enacted by the authority aforesaid, That in such case, if any of the subjects of his Majesty, his heirs or successors (except such person or persons as shall be licensed for that purpose by his Majesty, his heirs or successors, under his or their sign manual or privy seal) shall within this realm, or without, knowingly hold, entertain, or keep, any intelligence or correspondence in person, or by letters, messages, or otherwise, with any of the said persons who shall have so gone into, or continued in any of the dominions of the *French* King, or the King of *Spain*, or with any person or persons employed by him, her, or them, knowing such person or persons to be so employed, such person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death, and forfeit as in cases of felony, without benefit of clergy.

Subjects holding correspondence with rebels, going into France or Spain, or persons employed by them, to suffer death, &c.

IV. And be it further enacted by the authority aforesaid, That all offences made felony by this act, shall and may be enquired of, examined, tried, and determined in the court of *King's Bench*, in that part of *Great Britain* called *England*, or in the high court of justiciary in that part of *Great Britain* called *Scotland* respectively, or in any county of this realm, in such manner and form, as if the fact had been therein committed, or within any of the *British* colonies or plantations in *America*, within which any such offence shall be committed, or in any county of *Ireland*, in case any such offence shall be committed within that kingdom.

Offences where to be tried.

V. And in order that all persons in the colonies or plantations, to which the said offenders shall be transported, may have notice of the persons who are or shall be so pardoned and transported, be it further enacted by the authority aforesaid, That within the space of one week after any of the said persons shall be transported or brought to any such colonies or plantations, the naval officer, or other chief officer of the customs, at the port whither they shall be brought, shall have and receive from the master or commander of the ship in which they shall be brought, a true list, signed by such officer or commander, of the names and additions of the persons so transported; which list shall be hung, or set up in the publick custom-house of such port, there to be seen, read, and copied by all persons, without any fee or reward; and in case the same shall be defaced, taken away, or lost, a new list shall, from time to time, be immediately set and kept up by such naval or other principal officer; and if such master or commander shall, after this act shall be published in any such colony or plantation, refuse or neglect to give such list, or if the said naval or other officer shall refuse or neglect to put or keep up the same as above directed, or if any person shall voluntarily deface or take away the same, being so

Commander of ship to deliver within a week a list of the persons transported, to the naval officer.

List to be hung up in the custom house.

Persons offending.

put up, kept, or renewed, or any list put up in such custom-house of rebels transported, every person so offending, shall forfeit the sum of fifty pounds sterling for every such offence; of which one moiety shall belong to his Majesty, his heirs and successors, and the other moiety to such person or persons who shall sue for the same, in the colony or plantation where the offence shall be committed, or in the court of *King's Bench* in *England*, or of justiciary in *Scotland*, in case the offender shall be found in *England* or *Scotland*.

to forfeit 50 l.

Distribution of the forfeitures.

VI. Provided always, and it is hereby declared, That no person or persons whatsoever, shall be convicted of any offence or crime made felony by this act, unless such person or persons shall be indicted for such offence or crime, within two years next after the committing thereof.

Indictments to be within 2 years after the offence.

## CAP. XLVII.

*An act to continue several laws for prohibiting the importation of books reprinted abroad, and first composed or written and printed in* Great Britain; *for preventing exactions of the occupiers of locks and wears upon the river of* Thames *westward, and for ascertaining the rates of water carriage upon the said river; and for the better securing the lawful trade of his Majesty's subjects to and from the* East Indies; *and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions; and relating to rice, to frauds in the customs, to the clandestine running of goods, and to copper ore of the* British *plantations; and for the free importation of cochineal and indico; and for punishment of persons destroying turnpikes, or locks, or other works erected by authority of parliament.*

WHEREAS *the laws herein after mentioned (which have by experience been found useful and beneficial) are near expiring*; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of an act made in the twelfth year of the reign of his present Majesty (intituled, *An act for prohibiting the importation of books reprinted abroad, and first composed or written and printed in* Great Britain; *and for repealing so much of an act made in the eighth year of the reign of her late majesty Queen* Anne, *as impowers the limiting the prices of books)* as relates to the prohibiting the importation of books reprinted abroad, and first composed or written and printed in *Great Britain*; which was to continue in force from the twenty ninth day of *September*, one thousand seven hundred and thirty nine, for and during the space of seven years, and from thence to the end of the then next session of parliament; shall be, and the

12 Geo. 2. c. 36 for prohibiting the importation of books, &c.

continued till 29 Sept. 1754. *Farther conti-*

the same is hereby further continued from the expiration thereof until the twenty ninth day of *September*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

*nued by* 27 Geo. 2. c. 18.

II. And be it further enacted by the authority aforesaid, That an act made in the third year of the reign of his present Majesty, intituled, *An act for reviving and amending an act made in the sixth and seventh years of the reign of his late majesty King* William *the Third, intituled*, An act to prevent exactions of the occupiers of locks and wears upon the river of *Thames* westward, and for ascertaining the rates of water carriage upon the said river; which was to continue in force from the first day of *May*, one thousand seven hundred and thirty, for the term of nine years, and from thence to the end of the then next session of parliament; and which, by another act made in the thirteenth year of the reign of his present Majesty, for continuing several laws therein mentioned, was further continued from the expiration thereof until the first day of *June*, which shall be in the year of our Lord one thousand seven hundred and forty seven, shall be, and the same is hereby further continued from the expiration thereof until the first day of *June*, one thousand seven hundred and forty nine.

3 Geo. 2. c. 11. for preventing exactions of the occupiers of locks and wears upon the Thames, &c.

6 W. 3 c. 16.

13 Geo. 2. c. 8.

Continued till 1 June, 1749. EXP. *See* 24 Geo. 2. c. 8.

III. And be it further enacted by the authority aforesaid, That an act made in the fifth year of the reign of his present Majesty, intituled, *An act for reviving an act made in the fifth year of the reign of his late majesty King* George *the First, intituled*, An act for the better securing the lawful trade of his Majesty's subjects to and from the *East Indies*, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions; which was to continue in force from the first day of *May*, one thousand seven hundred and thirty two, for the term of seven years, and from thence to the end of the then next session of parliament; and which was, by an act made in the thirteenth year of the reign of his present Majesty, for continuing several laws therein mentioned, further continued from the expiration thereof till the first day of *June*, one thousand seven hundred and forty seven; shall be, and the same is hereby further continued from the expiration thereof until the twenty fifth day of *March*, one thousand seven hundred and eighty.

5 Geo. 2. c. 29. for securing the trade to the East Indies, &c.

5 Geo. 1. c. 21.

13 Geo. 2. c. 18.

Continued till 25 March, 1780.

IV. And be it further enacted by the authority aforesaid, That an act made in the third year of the reign of his present Majesty, intituled, *An act for granting liberty to carry rice from his Majesty's province of* Carolina *in* America, *directly to any part of* Europe, *southward of* Cape Finisterre, *in ships built in and belonging to* Great Britain, *and navigated according to law*; which was to be in force for five years, from the twenty ninth day of *September*, one thousand seven hundred and thirty, and from thence to the end of the next session of parliament; and also an act made in the eighth year of the reign of his present Majesty, to continue the said act, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and

3 Geo. 2 c. 28. for importing of rice from Carolina, &c.

8 Geo. 2. c. 19.

and forty two, and from thence to the end of the then next session of parliament, and to extend that liberty to his Majesty's province of *Georgia* in *America* (which said acts were by an act made in the fifteenth and sixteenth year of the reign of his present Majesty, continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament) shall be, and the same are hereby further continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

15 Geo. 2. c. 33.

Continued till 1 June, 1754. *Farther continued by* 26 Geo. 2. c. 32.

V. And be it further enacted by the authority aforesaid, That the several clauses in an act made in the fifth year of the reign of his late Majesty, intituled, *An act against clandestine running of uncustomed goods, and for the more effectual preventing of frauds relating to the customs*, relating to such foreign goods, wares, and merchandizes, as shall be taken in at sea, out of any ship or vessel, in order to be landed, or put into any other ship, vessel, or boat; and also relating to goods not reported, and found after clearing ships; and whereby further remedies are provided against re-landing goods, prohibited to be worn in this kingdom, and foreign goods shipped out for parts beyond the seas; and also relating to the opening or altering the package of goods, on board ships out-ward bound; and also relating to hovering ships or vessels of the burthen of fifty tons, or under; and also concerning the bales or package in which coffee shall be exported; and also relating to rum imported in casks or vessels, not containing twenty gallons at the least; and also relating to certificate goods entered in order to be exported to *Ireland*; which said several clauses were to have continuance for the term of three years, from the several times of the commencement thereof, and from thence to the end of the then next session of parliament respectively; and by another act passed in the ninth year of his said late Majesty's reign, were continued, from the expiration of the several and respective terms therein mentioned, for the term of five years, and from thence to the end of the then next session of parliament; and which said clauses by an act made in the second year of the reign of his present Majesty, were further continued until the twenty ninth day of *September*, one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which said clauses by another act made in the eighth year of the reign of his present Majesty, were further continued, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament; and which said clauses by another act made in the fifteenth and sixteenth year of the reign of his present Majesty, were further continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament, shall be, and are hereby further con-

Clauses in 5 Geo. 1. c. 11. for preventing running of goods, &c.

9 Geo. 1. c. 8.

2 Geo. 2. c. 28.

8 Geo. 2. c. 21.

15 Geo. 2. c. 33. Continued till 1 June, 1754. *Farther continued by* 27 Geo. 2. c. 18.

continued from the expiration thereof, until the said first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

VI. And be it further enacted by the authority aforesaid, That an act made in the eighth year of the reign of his late Majesty, intituled, *An act to prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ships breaking their quarentine; and to subject copper ore, of the production of the* British *plantations, to such regulations, as other enumerated commodities of the like production are subject*; which was to be in force for two years, from the twenty fifth day of *March*, one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; which act (except the clause obliging all ships or vessels to perform quarentine) was by an act made in the eleventh year of his late Majesty's reign, further continued, from the expiration thereof, for three years, and from thence to the end of the then next session of parliament; and which by another act (except the clause obliging all ships or vessels to perform quarentine) made in the second year of the reign of his present Majesty, was further continued, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which act (except the clause obliging all ships or vessels to perform quarentine) was by another act made in the eighth year of the reign of his present Majesty, further continued, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament; and which said act (except so much of the same act as relates to ships or vessels performing quarentine) was by another act made in the fifteenth and sixteenth year of the reign of his present Majesty, further continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament, shall be (except so much of the same act as relates to ships or vessels performing quarentine) and the same is hereby further continued from the expiration thereof, until the said first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament.

8 Geo. 1. c. 18. for preventing running of goods, &c.

11 Geo. 1. c. 29.

2 Geo. 2. c. 28.

8 Geo 2. c. 21.

15 Geo. 2. c. 33.

Continued till 1 June, 1747. 21 Geo. 2. c. 33. s. 3. *Farther continued by* 27 Geo. 2. c. 18.

VII. And be it further enacted by the authority aforesaid, That an act made in the seventh year of the reign of his present Majesty, intituled, *An act for the revival of an act made in the thirteenth year of the reign of his late majesty King* George *the First, intituled*, An act for the free importation of cochineal during the time therein limited, *and also for the free importation of indico*; which was to continue in force from the twenty fourth day of *June*, one thousand seven hundred and thirty four, for the term of seven years, and from thence to the end of the then next session of parliament; and which, by another act made in the fourteenth year of the reign of his present Majesty, was further con-

7 Geo. 2. c. 18. for the free importing of cochineal and indico.

13 Geo. 1. c. 25.

14 Geo. 2. c. 34.

and forty two, and from thence to the end of the then next session of parliament, and to extend that liberty to his Majesty's province of *Georgia* in *America* (which said acts were by an act made in the fifteenth and sixteenth year of the reign of his present Majesty, continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament) shall be, and the same are hereby further continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

15 Geo. 2. c. 33.

Continued till 1 June, 1754. *Farther continued by* 26 Geo. 2. c. 32.

V. And be it further enacted by the authority aforesaid, That the several clauses in an act made in the fifth year of the reign of his late Majesty, intituled, *An act against clandestine running of uncustomed goods, and for the more effectual preventing of frauds relating to the customs*, relating to such foreign goods, wares, and merchandizes, as shall be taken in at sea, out of any ship or vessel, in order to be landed, or put into any other ship, vessel, or boat; and also relating to goods not reported, and found after clearing ships; and whereby further remedies are provided against re-landing goods, prohibited to be worn in this kingdom, and foreign goods shipped out for parts beyond the seas; and also relating to the opening or altering the package of goods, on board ships out-ward bound; and also relating to hovering ships or vessels of the burthen of fifty tons, or under; and also concerning the bales or package in which coffee shall be exported; and also relating to rum imported in casks or vessels, not containing twenty gallons at the least; and also relating to certificate goods entered in order to be exported to *Ireland*; which said several clauses were to have continuance for the term of three years, from the several times of the commencement thereof, and from thence to the end of the then next session of parliament respectively; and by another act passed in the ninth year of his said late Majesty's reign, were continued, from the expiration of the several and respective terms therein mentioned, for the term of five years, and from thence to the end of the then next session of parliament; and which said clauses by an act made in the second year of the reign of his present Majesty, were further continued until the twenty ninth day of *September*, one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which said clauses by another act made in the eighth year of the reign of his present Majesty, were further continued, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament; and which said clauses by another act made in the fifteenth and sixteenth year of the reign of his present Majesty, were further continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament, shall be, and are hereby further con-

Clauses in 5 Geo. 1. c. 11. for preventing running of goods, &c.

9 Geo. 1. c. 8.

2 Geo. 2. c. 28.

8 Geo. 2. c. 21.

15 Geo. 2. c. 33.

Continued till 1 June, 1754. *Farther continued by* 27 Geo. 2. c. 18.

continued from the expiration thereof, until the said first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

VI. And be it further enacted by the authority aforesaid, That an act made in the eighth year of the reign of his late Majesty, intituled, *An act to prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ships breaking their quarentine; and to subject copper ore, of the production of the* British *plantations, to such regulations, as other enumerated commodities of the like production are subject*; which was to be in force for two years, from the twenty fifth day of *March*, one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; which act (except the clause obliging all ships or vessels to perform quarentine) was by an act made in the eleventh year of his late Majesty's reign, further continued, from the expiration thereof, for three years, and from thence to the end of the then next session of parliament; and which by another act (except the clause obliging all ships or vessels to perform quarentine) made in the second year of the reign of his present Majesty, was further continued, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which act (except the clause obliging all ships or vessels to perform quarentine) was by another act made in the eighth year of the reign of his present Majesty, further continued, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament; and which said act (except so much of the same act as relates to ships or vessels performing quarentine) was by another act made in the fifteenth and sixteenth year of the reign of his present Majesty, further continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament, shall be (except so much of the same act as relates to ships or vessels performing quarentine) and the same is hereby further continued from the expiration thereof, until the said first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament.

8 Geo. 1. c. 18. for preventing running of goods, &c.

11 Geo. 1. c. 29.

2 Geo. 2. c. 28.

8 Geo 2. c. 21.

15 Geo. 2. c. 33.

Continued till 1 June, 1747. 21 Geo. 2. c. 33. s. 3. *Farther continued by* 27 Geo. 2. c. 18.

VII. And be it further enacted by the authority aforesaid, That an act made in the seventh year of the reign of his present Majesty, intituled, *An act for the revival of an act made in the thirteenth year of the reign of his late majesty King* George *the First, intituled,* An act for the free importation of cochineal during the time therein limited, *and also for the free importation of indico*; which was to continue in force from the twenty fourth day of *June*, one thousand seven hundred and thirty four, for the term of seven years, and from thence to the end of the then next session of parliament; and which, by another act made in the fourteenth year of the reign of his present Majesty, was further con-

7 Geo. 2. c. 18. for the free importing of cochineal and indico.

13 Geo. 1. c. 25.

14 Geo. 2. c. 34.

continued from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament, shall be and is hereby further continued from the expiration thereof, until the said first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

Continued till 1 June 1754. *Farther continued by* 27 Geo. 2. c. 18.

VIII. And be it further enacted by the authority aforesaid, That an act made in the fifth year of the reign of his present Majesty, intituled, *An act to explain, amend, and render more effectual an act passed in the first year of his present Majesty's reign, intituled*, An act for punishing such persons as shall wilfully and maliciously pull down and destroy turnpikes for repairing highways, or locks, or other works erected by authority of parliament for making rivers navigable; and also an act made in the eighth year of the reign of his present Majesty, intituled, *An act for rendering the laws more effectual, for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes for repairing highways, or locks or other works erected by act of parliament for making rivers navigable; and for other purposes therein mentioned*; which said acts expired, and were afterwards, by an act made in the fifteenth and sixteenth year of his present Majesty's reign, revived, and were to be in force for the purposes therein mentioned, from the first day of *June*, one thousand seven hundred and forty two, until the first day of *June*, one thousand seven hundred and forty seven, shall be and are hereby further continued from the expiration thereof, until the said first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

5 Geo. 2. c. 33. for punishing persons who shall pull down turnpikes, &c.

8 Geo. 2. c. 20.

15 Geo. 2. c. 33.

Continued till 1 June, 1754. *Made perpetual by* 27 Geo. 2. c. 16.

## CAP. XLVIII.

An act to indemnify persons who have omitted to qualify themselves for offices and promotions within the time limited by law; and for allowing further time for that purpose. EXP.

*Time given to 1 Dec. 1747.*

## CAP. XLIX.

*An act for declaring valid such acts as have been done by* Thomas Paulin, *as one of the principal land coal-meters of the city and liberty of* Westminster, *between the twenty ninth day of* September *last and the eighth day of* November *following.*

WHEREAS *by an act of parliament passed the last session, intituled*, An act more effectually to prevent the frauds and abuses committed in the admeasurement of coals within the city and liberty of *Westminster*, and that part of the dutchy of *Lancaster* adjoining thereto, and the several parishes of Saint *Giles in the Fields*, Saint *Mary le Bon*, and such part of the parish of Saint *Andrew Holborn*, as lies in the county of *Middlesex*, *it was amongst other things, enacted, That from and after the twenty fourth day of* Sep-

19 Geo. 2. c. 35.

September, *one thousand seven hundred and forty six, there should be and continue within the city and liberty of* Westminster, *one publick office, which shall be called by the name of* The land coal-meters office for the city and liberty of *Westminster: which said office should, from time to time be managed by two persons, to be nominated and appointed by his Majesty, his heirs and successors; which said two persons so to be nominated and appointed, should be called and known by the name of* The principal land coal-meters for the city and liberty of *Westminster: and it was further enacted by the said act, That no person or persons should be capable of acting as one of the principal land coal-meters, until he or they should take an oath for the true and faithful execution of the office of one of the principal land coal-meters for the city and liberty of* Westminster, *and other places aforesaid, as in and by the said act is declared: and it was further enacted, That it should be lawful to and for the said principal land coal-meters, or any one or more of them, to appoint a number of persons to be labouring coal-meters within the said city and liberty of* Westminster, *and other places aforesaid, to be stationed by the principal land coal-meters, at the several places and times in the said act for that purpose mentioned, to measure out coals, which shall, from time to time, be sold at any of the wharfs or warehouses where such labouring coal-meters shall be so stationed: and it was further enacted, That no person or persons should be capable of acting as one of the labouring coal-meters, to be appointed as aforesaid, until he or they should take an oath for the true and lawful execution of the office of one of the labouring coal-meters for the said city and liberty of* Westminster, *and other places aforesaid, as in and by the said act is expressed and declared: and whereas his Majesty, on or before the eighteenth day of* September, *one thousand seven hundred and forty six, did appoint* Thomas Paulin *merchant, and* William Arnold *fishmonger, to be principal coal-meters for the city and liberty of* Westminster *aforesaid, and afterwards, by his grant or letters patent, under the great seal of* Great Britain, *bearing date the eighth day of* November, *one thousand seven hundred and forty six, reciting the said act of parliament herein before recited, did grant unto* Thomas Paulin *and* William Arnold *the said coal-meters office for the city and liberty of* Westminster, *to have and to hold the said office unto them the said* Thomas Paulin *and* William Arnold *jointly and severally, together with all powers, privileges, advantages, and emoluments thereunto belonging, and as are granted in and by the said recited act of parliament, for and during his Majesty's royal will and pleasure: and whereas the said* Thomas Paulin, *soon after his being nominated and appointed by his Majesty to be one of the principal land coal-meters for the city and liberty of* Westminster *aforesaid, to wit, the twenty sixth day of* September, *one thousand seven hundred and forty six (which was before his Majesty's grant had passed the great seal) took the oath required by the said act of parliament, for the true execution of the said office; and upon the twenty ninth day of the said month of* September, *one thousand seven hundred and forty six, entered upon the said office, and put the said act of parliament in execution, as one of the principal land coal-meters for the said city and liberty of* Westminster: *and whereas it may be doubted, whether*

*ther the acts done by the said* Thomas Paulin, *between the said twenty ninth day of* September *and the said eighth day of* November *(on which last mentioned day his Majesty's said letters patent bear date) can be justified by the strict rules of the common law*; therefore, for obviating the said doubt, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every act, matter, or thing, done or committed by the said *Thomas Paulin*, as one of the principal land coal-meters of the city and liberty of *Westminster*, between the said twenty ninth day of *September* and the said eighth day of *November* following, according to the purport of the said act, in his duty and office of a principal land coal-meter of the said city and liberty of *Westminster*, shall be deemed, and are hereby declared to be good and valid acts; and all actions, suits, prosecutions, and molestations whatsoever, if any there be against the said *Thomas Paulin*, for or by reason of any such act, matter, or thing by him done as aforesaid, are and shall be discharged and made void by this present act; and if any action or suit hereby discharged, or intended to be discharged, shall be commenced or prosecuted, the said *Thomas Paulin* may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him, the said *Thomas Paulin* shall recover his double costs, for which he shall have the like remedy as in cases where costs by law are given to defendants.

Acts done by Mr. Paulin as principal coal-meter, between 29 Sept. and 8 Nov. 1746. declared valid.

General issue.

Double costs.

## CAP. L.

*An act for taking away the tenure of ward holding in* Scotland, *and for converting the same into blanch and feu holdings; and for regulating the casualty of non-entry in certain cases; and for taking away the casualties of single and life-rent escheats, incurred there by horning and denunciation for civil causes; and for giving to heirs and successors there a summary process against superiors; and for discharging the attendance of vassals at head courts there; and for ascertaining the services of tenants there; and for allowing heirs of tailzie there to sell lands to the crown for erecting buildings, and making settlements in the highlands.*

WHEREAS *it hath been found by experience, that the tenure of lands in that part of* Great Britain *called* Scotland, *by ward holding, and the consequences of the same, being the casualties of ward marriage and recognition, have been much more burthensome, grievous, and prejudicial to the vassals proprietors of the lands held by that tenure, than they have been beneficial to the superiors*; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and

and commons, in this present parliament assembled, and by the authority of the same, That the tenure of lands or heretages in *Scotland* by ward holding, whether simple or taxed ward, and the casualties consequent upon the same by ward marriage and recognition, be taken away and discharged, and they are hereby taken away and discharged, from and after the twenty fifth day of *March*, in the year of our Lord one thousand seven hundred and forty eight; any law, statute, custom, or usage to the contrary hereof in any wise notwithstanding.

Tenure of ward holding taking away;

II. And be it enacted, That all tenures of any lands or heretages in *Scotland*, that are now held, or liable to be held of his Majesty by ward holding, whether simple or taxed ward, are hereby enacted to be turned into blanch holding, for payment of one penny *Scots* at the feast or term of *Whitsunday* yearly, *si petatur tantum*, and as often as such lands or heretages shall fall in non-entry, the same shall be no longer subject or liable to the annual payment of the new extent or retour duty of such lands or heretages, but instead thereof shall be subject and liable to the annual payment of the sum of one pound *Scots*, for every one hundred pounds *Scots*, of the valued rent of such lands or heretages, according to which they are now liable to pay their respective proportions of his Majesty's cess or land tax; and so proportionably for any lesser quantity than one hundred pounds *Scots* valuation.

converted into blanch holding.

III. And in order to ascertain the *Quantum* of such non-entry duty, it is hereby enacted, That from and after the said twenty fifth day of *March*, in all services upon the brief of mortancestry of any heir or heirs in such lands or heretages as aforesaid, the retour, over and above the setting forth the old and new extent of the lands, in such manner as hath been heretofore practised, shall further set forth and express the valuation of such lands and heretages as aforesaid, and the proportion above mentioned of such valuation, and no more shall be the non-entry duty of such lands or heretages, preceding the citation in the general declarator of non-entry.

For regulating the casualty of non-entry.

IV. And be it further enacted, That all tenures of any lands or heretages in *Scotland*, that are now held, or liable to be held ward of any subject superior, whether simple or taxed ward, are hereby enacted to be turned into feu holding, for payment of a certain rent or feu duty in money, victual, cattle, or otherwise, yearly, in place of the said casualties of ward holding hereby discharged, and of all services, and shall be so construed, adjudged, and deemed to be, from the said twenty fifth day of *March*, and for ever thereafter.

Tenure of ward holding held of superiors converted into feu holding.

V. And in order to ascertain the *Quantum* of the feu duty to be paid yearly, after the said twenty fifth day of *March*, by the tenants or vassals of the said lands and heretages heretofore held ward to the superiors thereof, be it further enacted by the authority aforesaid, That it shall and may be lawful for the court of session in *Scotland*, and they are hereby impowered and required to take into their consideration, the difference in value to the vassals of the change of their holdings or tenures from ward

Court of session to settle the recompense,

to feu hereby enacted, and what constant annual rent or feu duty, payable to the superior, will be a reasonable satisfaction or recompence for that value or difference, and thereupon to make and publish an act of *Sederunt*, which shall be in force, and observed by all the subjects in that part of the kingdom, unless or until the same shall be altered by a future act of parliament; and according to the rules prescribed in such act of *Sederunt*, it shall and may be lawful for all and every the superiors and vassals, or parties interested, to settle and adjust betwixt themselves the feu duties to be hereafter payable in place of the tenures hereby abolished or altered; and in case of difference arising, it shall and may be lawful for the said court of session, upon application made to them, by bill or petition, on behalf of or by any subject superior of such lands or heretages, or by the vassals or proprietors thereof, summarily to determine the *Quantum* of the said annual feu duty, such as the court shall judge to be a reasonable and equitable recompence to the superior, for the change of the holding hereby enacted, after having heard both parties, or summoned the party called as defender, upon twenty one days notice; and whatever annual payment the said court of session shall so modify, shall be the feu duty payable for such lands and heretages as aforesaid, to the respective superiors thereof, and all and singular their heirs and successors, and that yearly at *Whitsunday*, from and after the said twenty fifth day of *March*, when the change of holding is hereby enacted to take place, in the same manner as if feu charters had been granted of that date to the respective vassals upon their resignation, containing such change of holding, for payment of the annual feu duties so to be modified.

and publish an act of *Sederunt*,

and determine differences in a summary way.

VI. Provided always, That until such modification shall be made by the court of session, the vassal shall not be liable to incur any forfeiture or irritancy for non-payment of the feu duties; and such modification being made, shall be inserted as the feu duty payable for such lands or heretages in the future renovations of the infeftments thereof, by the present vassals, their heirs or successors.

Vassals not to forfeit for feu duties till modification made.

VII. Provided also, That in every case where the whole lands or estate so held ward, on the said twenty fifth day of *March*, shall then stand provided in life-rent to any person or persons, in such manner as by the laws of *Scotland* now in being, would be exclusive of the casualty of ward, such life-renter or life-renters during the continuance of his, her, or their rights respectively, shall not be subject to pay the annual feu duties to be modified as aforesaid; and the same during the subsistence of such life-rent rights, shall be suspended, and shall commence and become payable to the superior at the first term of *Whitsunday* after the determination of such life-rent right; and in every case where such life-rent right is not total of the whole estate, the entire feu duty so to be modified, shall, during the subsistence of such life-rent right, be payable to the superior by the

Life-rented estates exonerated.

fiar

fiar or proprietor, out of such parts of the lands or estate as shall not be life-rented.

VIII. Provided also, That the infeftments now standing in the persons of any vassal in *Scotland*, holding their lands or other heretages ward, shall remain good and valid, to all intents and purposes whatsoever, so long as the persons now infeft shall retain the same, or not be denuded thereof; and they shall notwithstanding, by virtue of this present act, be no longer subjected to the casualties hereby discharged, but shall be subject to pay the annual blanch or feu duties respectively, hereby provided to be payable in place of those casualties.

Infeftments of vassals holding lands inward confirmed.

IX. And be it further enacted by the authority aforesaid, That no tenure of any lands or heretages by ward holding, shall hereafter be created by his Majesty, his heirs or successors, or by any other superior or proprietor of lands, or other heretages in *Scotland*.

No tenure of ward holding to be granted.

X. *And whereas there are certain lands in* Scotland *held by the tenure of* Feu cum Maritagio, *or with clauses* de non alienando sine consensu Superiorum; it is also hereby enacted by the authority aforesaid, That in all time coming, from and after the said twenty fifth day of *March*, the casualty of marriage consequent upon such holding, and all such prohibitory clauses restraining the power of alienation, be taken away and discharged; and it shall and may be lawful in like manner as is herein before directed in the case of ward holding, for the respective subject superiors, or vassals in lands or heretages that are held *Feu cum Maritagio*, or with such prohibitory clauses as aforesaid, to apply to the court of session to modify such additional feu duty by the vassal, as they shall judge a reasonable recompence to the superior, for such casualty of marriage or prohibitory clauses as aforesaid, hereby taken away and discharged.

Tenure of *Feu cum Maritagio*, &c. taken away.

Court of session to modify the recompence.

XI. *And whereas the casualties of single and life-rent escheat, consequent upon the process competent by the law of* Scotland, *for recovering payment of civil debts, or performance of obligations, have, by experience, been found highly rigorous, and liable to be abused*; be it therefore enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, the casualties of single escheat, heretofore incurred by horning and denunciation of the debtor in any civil debt or obligation, and of life-rent escheat, heretofore incurred by such debtor so denounced, continuing for a year and day unrestored or unrelaxed, be, and the same are hereby taken away and discharged for ever; and that from and after the said twenty fifth day of *March*, no single escheat or life-rent escheat shall become forfeited, or be consequent upon any such process as is before mentioned; any law, custom, or usage to the contrary hereof in any wise notwithstanding.

Casualties of single and life-rent escheats incurred by horning and denunciation for civil causes taken away.

XII. *And whereas the methods of procuring entry by heirs, or singular successors or purchasers of lands in* Scotland, *that are held of subject superiors, heretofore practised, are tedious and expensive*; be it therefore enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, it shall and may be law-

Heirs to, or purchasers of, lands, to ap-

ply for letters of horning to charge the superior to grant new infeftment.

ful and competent for any person, who shall be duly served and retoured heir to any of his predecessors in any lands or heretages in *Scotland*, and to any person who shall purchase or acquire such lands or heretages from the former proprietor or vassal, who was duly vested and seized therein, and who shall obtain from such vendor or former proprietor, a disposition or conveyance, containing a procuratory of resignation in favour of such purchaser or disponee, to apply to the ordinary on the bills in the court of session for the time being, praying a warrand for letters of horning, to charge the superior, of whom such lands or heretages were respectively held, to receive or grant new infeftment to such heir or purchaser respectively; and upon production to the lords of session of a special retour of the petitioner or party so applying in any such lands or heretages, or upon production of a disposition or conveyance, bearing a procuratory of resignation in favour of such petitioner, it shall and may be lawful for the said lords of session, and they are hereby authorized and required to grant warrand for letters of horning, upon fifteen days, to charge the superior or superiors in the lands contained in such special retour, or procuratory of resignation, to receive or grant new infeftment to such heir, purchaser, or disponee respectively.

Fees to be paid to the superiors upon entry of heirs, &c.

XIII. Provided always, That no superior shall be obliged to give obedience to such charge, unless the charger at the same time shall pay or tender to him such fees or casualties as he is by law intitled to receive, upon the entry of such heir or purchaser; and that it shall and may be lawful for every such superior to shew cause why he ought not to be compelled to give obedience to such charge, by offering a bill of suspension in the usual manner to the court of session.

Heirs of tailzie allowed to sell lands to the crown.

XIV. *And whereas it hath been and may be found necessary for the publick service, to erect buildings, and make settlements in certain places in the highlands of* Scotland, *and in purchasing the land upon which such buildings are or may be erected, and settlements made, a difficulty may arise by reason of the same being part of a tailzied estate*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any person who is seized in, or possessed of, a tailzed estate in *Scotland*, to sell, dispone, or resign, *ad perpetuam remanentiam*, any part thereof, which his Majesty, his heirs and successors shall think fit to purchase, for erecting of buildings, or making settlements within the same; any law, charter, tailzie, or other act or deed to the contrary notwithstanding.

Purchase money how to be applied.

XV. Provided always, That the monies paid as the price of such land, being part of a tailzied estate, shall be laid out, and settled to the same uses, and with the same limitations and restrictions, as such land was settled before such sale thereof as aforesaid, or applied for payment of the debts, if any such there be, of the maker of the intail, or other debts that are effectual burdens on the tailzied estate, not being contracted by such vendor himself; and for that purpose, the said money shall be paid

into the hands of such trustees, who shall for that purpose be appointed by his Majesty, his heirs or successors, by sign manual, and the vendors; which payments shall be good discharges to his Majesty, his heirs or successors, of and from such purchase-money; and such trustees, and the survivor and survivors of them, and the executors and administrators of such survivor, shall lay out the same in the purchase of other lands, and settle, and procure to be settled the same, or applied for payment of debts on the same estate, in the manner herein before directed.

XVI. *And whereas the enfranchising of vassals of subject superiors, by causing them to become immediate vassals of the crown, is a matter of publick benefit which ought to be encouraged*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any person seised in, or possessed of a tailzied estate in *Scotland*, comprehending lands or superiorities of vassals, under or holding of him, to sell to such vassals, or any of them, the superiorities over their respective lands, at such prices as the parties shall agree for, and thereupon to resign such lands for new infeftment, to be granted to such buyer of his own superiority, which shall be good and valid; any law, charter, tailzie, or other act or deed to the contrary notwithstanding.

Possessors of tailzied estates impowered to sell the superiorities.

XVII. Provided always, That the monies paid as the price of such superiority or superiorities, being part of a tailzied estate, shall be laid out and settled to the same uses, and with the same limitations and restrictions, as such superiority was settled before the sale thereof as aforesaid, or applied for payment of the debts, if any such there be, of the maker of the intail, or other debts that are effectual burdens on the tailzied estate, not contracted by such vendor himself, and for that purpose the monies shall be paid into the hands of trustees, who shall be appointed by the vendor of such superiority or superiorities, and the purchaser or purchasers thereof respectively; and such trustees, and the survivor and survivors of them, and the executors and administrators of such survivor, shall lay out the monies arising from such sale, in the purchase of other lands or heretages, and settle, or procure the same to be settled as aforesaid, or such monies to be applied for payment of debts on the tailzied estate, in the manner herein before directed.

Purchase money how to be applied.

XVIII. *And whereas the ancient usage of the vassals of the King, and other subject superiors, being obliged to give suit and presence, or to appear at head courts at certain times of the year, has of a long time been useless, and therefore ought not to be continued*; be it therefore enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, no proprietor of lands in *Scotland*, holding of the King, or of any subject superior, shall be obliged to attend, appear and give suit and presence by himself, or his procurator, at any head court, or be liable to any fine or penalty, for default of attendance at such head court; any law, charter, contract, custom, or usage to the contrary in any wise notwithstanding.

Vassals discharged from attending at head courts,

XIX. Provided always, That nothing herein contained shall exempt

Vassals to attend if sum-

moned on juries.

exempt any proprietors of lands, being vassals of the King, or any subject superior, from attendance at any court to which he is subject, being lawfully and specially summoned for that effect, to serve as a juryman upon trials, or for any other lawful purpose whatsoever.

Powers of the freeholders head court reserved.

XX. Provided also, That nothing herein contained shall derogate from the powers now competent by law, to the freeholders assembled at their *Michaelmas* head court, which it shall be lawful to hold, and for the freeholders to act and proceed as formerly; any thing herein contained to the contrary notwithstanding.

Tacksmen discharged from all services, &c. not mentioned in the tack, &c.

XXI. *And whereas it hath been frequently practised in* Scotland, *to lett lands to tenants or tacksmen, reserving or expressing, over and above the certain rents and duties payable for the same, services used and wont, or services indefinitely, or other general words of the like nature, without specifying or ascertaining the same; which practice is liable to be abused, is productive of disputes between landlord and tenant, and subject to divers inconveniencies*; be it therefore enacted by the authority aforesaid, That from and after the first day of *July*, in the year of our Lord one thousand seven hundred and forty seven, no tenant or tacksman of any lands or heretages in *Scotland*, by virtue of any lease or tack which shall be made in writing, or by verbal agreement, tacit relocation, or otherwise, after the said first day of *July*, or by virtue of the prorogation of any lease or tack made before the first day of *July*, or any assignee of any such lease or tack, shall be obliged or liable to perform any services whatsoever to his heretor or landlord, other than such as shall be expressly and particularly reserved and specified, and the number and kinds thereof enumerated and ascertained in some written lease or tack, or by some agreement made in writing, and signed by the parties thereto, or some persons authorized by them; any former law or usage to the contrary notwithstanding.

Services due to mills reserved.

XXII. Provided always, That nothing herein contained relating to services to be performed by any tenant or tacksman, after the said first day of *July*, shall extend or be construed to extend to any services by law or custom due to mills, or any matter or thing relative thereto.

## CAP. LI.

*An act to enlarge the time limited by an act of the last session of parliament, for restraining the use of the highland dress; and to enable heirs of tailzie, guardians, tutors, curators, and trustees in* Scotland, *to sell lands to the crown.*

19 Geo. 2. c. 39.

WHEREAS *by a clause of an act made in the last session of parliament, intituled,* An act for the more effectual disarming the highlands in *Scotland*, and for more effectually securing the peace of the said highlands; and for restraining the use of the highland dress; and for further indemnifying such persons as have acted in defence of his Majesty's person and govern-

government during the unnatural rebellion; and for indemnifying the judges, and other officers of the court of justiciary in *Scotland*, for not performing the northern circuit in *May*, one thousand seven hundred and forty six; and for obliging the masters or teachers of private schools in *Scotland*, and chaplains, tutors, and governors of children or youth, to take the oaths to his Majesty, his heirs and successors, and to register the same; *it is enacted, That from and after the first day of* August, *one thousand seven hundred and forty seven, no man or boy, within that part of* Great Britain *called* Scotland, *other than such as shall be employed as officers and soldiers, in his Majesty's forces, shall, on any pretence whatsoever, wear or put on the clothes commonly called highland clothes; that is to say, the plaid, philibeg, or little kilt, trowse, shoulder belts, or any part whatsoever of what peculiarly belongs to the highland garb; and that no tartan, or party-coloured plaid or stuff, shall be used for great coats, or for upper coats: and whereas the provision made by the said clause is very necessary to be carried into execution, but the time thereby allowed for that purpose has been found too short:* to the end therefore that a further time and opportunity may be given for paying due obedience to the said clause; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the time appointed by the same clause for the purposes therein mentioned, as to all those who are not landed men, be enlarged from the said first day of *August*, till the first day of *August*, one thousand seven hundred and forty eight, and that from and after the said first day of *August* one thousand seven hundred and forty eight, the several matters and things provided and enacted by the said clause be strictly observed, and carried into execution.

Further time allowed for the use of the highland dress. *See* 26 Geo. 2. c. 29.

II. *And whereas it may be necessary, for the preservation of the publick peace, and the further civilizing of the inhabitants of the highlands of* Scotland, *that land should be purchased there by his Majesty, his heirs or successors, which lands may be subject to strict tailzie, or belong to infants, pupils, minors, ideots, lunaticks, fatuous or furious persons*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any person who is seised in, or possessed of a tailzied estate in *Scotland*, or for any guardian, tutor, curator, or trustee of an infant, pupil, minor, ideot, lunatick, fatuous or furious person, to sell, dispose, or resign *ad perpetuam remanentiam*, the whole, or any part of such tailzied estate, or the estate of such infant, pupil, minor, ideot, lunatick, fatuous or furious person, which his Majesty, his heirs or successors, may think fit to purchase for the purposes aforesaid; which lands so purchased shall remain in his Majesty, his heirs and successors, unalienable for ever; except as to the power of granting leases for seven years, with a diminution of a fifth part of the usual rent only.

Tailzied estates may be sold to the crown.

Power of granting leases.

III. Provided always, That in every such case, the monies paid as the price of such lands, shall be laid out and settled to the same uses, and with the same limitations and restrictions, as such

Purchase-money how to be applied.

such lands were settled before the sale thereof, or shall be applied for the payment of debts that are effectual to charge such tailzied estate, not contracted by the vendor himself, or the estate of such infant, pupil, minor, ideot, lunatick, fatuous or furious person; and the said monies shall be paid into the hands of trustees, who shall be appointed by his Majesty, his heirs or successors, by sign manual, and the vendor or vendors respectively (which payments shall be good discharges to his Majesty, his heirs and successors, of and from such purchase-money) and such trustees, and the survivor and survivors of them, and the executors and administrators of such survivor, shall lay out the monies arising from such sale, in the purchase of other lands or heretages, and settle the same, or procure them to be settled, as aforesaid, or the monies applied for the payment of debts, in the manner herein before directed; and till such purchase can be found, or debts paid, they shall place out the monies, or so much thereof as shall be unapplied, from time to time, as there shall be occasion, upon good security, at interest; and such interest shall go in the same manner, as the profits of the said lands, if purchased, should have gone.

## CAP. LII.

*An act for the King's most gracious, general, and free pardon.*

GEORGE R.

THE King's most excellent majesty having already shewed his royal inclination to mercy, by many particular instances of grace to such as had rendered themselves obnoxious to the laws, and subject to the highest penalties, by being concerned in the late unnatural rebellion; and his Majesty being desirous of quieting the minds of his subjects in general, hath, upon mature deliberation, resolved and determined to grant his general and free pardon, in a large and bountiful manner; not doubting but that, however it may be received by those who are obstinately bent on the ruin of their country, it will raise a due sense of gratitude in all who have been artfully misled into treasonable practices against his person and government, and preserve them and others from standing in need of the like mercy for the future, when such clemency may not be so expedient for the publick welfare, as it would be agreeable to his Majesty's inclinations; and hoping that all his subjects, by this act of grace, will be induced henceforth more carefully to observe the laws, and live in a loyal and dutiful obedience to his Majesty, therefore his Majesty is well pleased and contented, that it be enacted by the authority of this present parliament; and be it enacted by the authority of the same, in manner and form following (that is to say) That all and every his Majesty's subjects, as well spiritual as temporal of this his Majesty's realm of *Great Britain*, their heirs, successors, executors and administrators, and every of them, and all and singular bodies politick and corporate, and their successors, and all cities, boroughs, shires, stewartries, ridings, hundreds, lathes, rapes, wapentakes,

Declaration of his Majesty's general and free pardon to all persons and places concerned in the late rebellion.

wapentakes, towns, villages, hamlets, and tythings, and every of them, shall be, by the authority of this present parliament, acquitted, pardoned, released, and discharged against the King's majesty, his heirs and successors, and every of them, of, and from all, and all manner of treasons, misprisions of treasons, felonies, treasonable and seditious words, or libels, leasing-making, misprisions of felony, seditious and unlawful meetings, and conventicles, and all offences, whereby any person may be charged with the danger and penalty of *Premunire*; and also of and from all riots, routs, offences, contempts, trespasses, entries, wrongs, deceipts, misdemeanors, forfeitures, penalties, and sums of money, pains of death, pains corporal, and pains pecuniary, and generally of and from all other things, causes, quarrels, suits, judgements, and executions, in this present act hereafter not excepted or foreprized, which may be, or can be by his Majesty in any wise or by any means pardoned, and have been had, made, done, committed, omitted, perpetrated, incurred, or forfeited, before and unto the fifteenth day of *June*, in the year of our Lord one thousand seven hundred and forty seven.

His Majesty's free pardon to extend to all persons and things not particularly excepted.

II. And also the King's most excellent majesty is contented, that it be enacted by the authority of this present parliament, and be it enacted by the authority of the same, That this his Majesty's free pardon shall be as good and effectual in law to every of his said subjects, bodies corporate, and others before rehearsed, in, for, and against all things aforesaid, and not hereafter in this present act excepted and foreprized, as the same pardon would have been, if all such offences, contempts, forfeitures, causes, matters, suits, quarrels, judgements, executions, penalties, and other things not hereafter in this act particularly excepted and foreprized, had been particularly, singularly, specially, and plainly named, rehearsed, and specified, and also pardoned by proper and express words and names; and that his said subjects, or any of them, the heirs, executors, or administrators of any of them, or the said bodies corporate, and others, before named and rehearsed, or any of them, be not, nor shall be sued, vexed, or unquieted in their bodies, goods, chattels, lands, or tenements, for any matter, cause, contempt, misdemeanor, forfeiture, trespass, offence, or any other thing, suffered, done, or committed, or omitted, before the said fifteenth day of *June*, one thousand seven hundred and forty seven, against his Majesty, his crown, dignity, prerogative, or the laws or statutes of this realm, but only for such causes, matters, and offences, as be rehearsed or mentioned in the exceptions of this present act, to be excepted and foreprized, and for none other; any statute or statutes, laws or customs heretofore had, made, or used to the contrary in any wise notwithstanding.

Penalties and forfeitures remitted.

III. And the King's majesty, of his bounteous liberality, and by the authority of this present parliament, doth grant, and freely give to every of his subjects, every of the said bodies corporate, and others before rehearsed, and every of them, all goods, chattels,

chattels, debts, fines, issues, profits, amerciaments, forfeitures, and sums of money, by any of them forfeited, which to his Majesty do or shall appertain, by reason of any offence, contempt, trespass, entry, misdemeanor, matter, cause, or quarrel, suffered done, or committed by them, or any of them, before the said fifteenth day of *June*, one thousand seven hundred and forty seven, not hereafter in this present act foreprized and excepted.

Grants of forfeitures, &c.

IV. Provided nevertheless, and be it enacted, That all grants thereof, or of any part thereof, made by any such as have so forfeited the same, and are hereby restored as aforesaid, and all executions thereof, or of any part thereof, had against any such, after such forfeiture thereof committed or made, shall be of such force and effect, as if no such forfeiture had been had or made, and of no other, the same forfeiture, or any thing in this act before to the contrary notwithstanding.

Persons not excepted may plead this act, without fee.

V. And be it further enacted, That all and every of his Majesty's subjects, and all and singular bodies corporate, and others before rehearsed, may by him or themselves, or by his or their deputy or deputies, or by his or their attorney or attornies, according to the laws of this realm, plead and minister this act of free pardon, for his or their discharge, of or for any thing that is by virtue of this act, pardoned, discharged, given, or granted, without any fee, or any other thing paying to any person or persons for the writing or entering of the judgments, or other cause concerning such plea, writing, or entry, but only sixteen pence to the clerk or officer that shall enter such plea or matter for judgement, or the parties discharge in that behalf; any law, custom, or usage to the contrary notwithstanding.

Clerk's fee for entering the plea.

His Majesty's free pardon to be construed in the most beneficial sense.

VI. And further the King's majesty is contented and pleased, that it be enacted by the authority aforesaid, That this his Majesty's free pardon, by the general words, clauses, and sentences before rehearsed, shall be reputed, deemed, adjudged, expounded, allowed, and taken, in all manner of courts of his Majesty, and elsewhere, most beneficial and available to all and singular the said subjects, bodies corporate, and others before rehearsed, and to every of them, in all things not in this present act excepted and foreprized, without any ambiguity, question, or other delay whatsoever, to be made, pleaded, objected, or alledged by the King's majesty, his heirs or successors, or by his or any of their general attorney or attornies, advocate or advocates, or by any person or persons for his Majesty, or any of his heirs or successors.

Exceptions.

Excepted and foreprized out of this act of general and free pardon, all persons being on the said fifteenth day of *June*, in the service of, or any ways employed by the person, who since the death of the late King *James*, hath taken upon himself the stile and title of *King of England*, or *King of Great Britain*, or who have been in the service of, or employed by the King of *Spain*, since the nineteenth day of *December*, in the year one thousand seven hundred and thirty nine, being two months after his Majesty's declaration of war against the said King of *Spain*, or

Persons in the service of the pretender,

the King of Spain,

or who have been in the service of, or employed by the *French* King, since the twenty ninth day of *April*, in the year one thousand seven hundred and forty four, being one month after the said *French* King's declaration of war against his Majesty. and of the French King.

VII. And also excepted out of this pardon, all offences of levying the war against his Majesty, which began in this realm, in the year one thousand seven hundred and forty five, by any person or persons who has, or have been, or shall be beyond the seas, at any time between the twentieth day of *July*, one thousand seven hundred and forty five, and the said fifteenth day of *June*, one thousand seven hundred and forty seven. Persons beyond the seas, concerned in levying war;

VIII. And also excepted out of this pardon, all offences of conspiring, carrying on, consenting to, assisting, or being concerned in any design or proposal for invading, or procuring an invasion of this realm, by the forces of the *French* King, or by any other foreign force, or for raising or carrying on a rebellion within the same, committed by any person or persons who have been, or shall be beyond the seas, at any time between the said twentieth day of *July*, one thousand seven hundred and forty five, and the said fifteenth day of *June*, one thousand seven hundred and forty seven. or assisting in the invasion of this kingdom, or in the late rebellion;

IX. And also excepted out of this pardon, all offences of forging and false counterfeiting the great seal, privy seal, sign manual, or privy signet, the seal kept and made use of in *Scotland*, in things relating to private rights or grants which usually passed the great seal of *Scotland* before the union of the two kingdoms, the privy seal, or signet in *Scotland*; and also all offences of counterfeiting any of the monies current within this realm; and also all offences of clipping, washing, scaling, lightening, impairing, or other unlawful diminishing any of the said monies, by any ways or means whatsoever, or in making or mending any tool, or instrument to be made use of in coining, contrary to the laws and statutes of this realm. counterfeiting the great seal, sign manual, or signet, &c. in Scotland; or in counterfeiting the coin, &c.

X. And also excepted the offences of bringing into this realm, any false or counterfeit money, made or counterfeited out of this realm, knowing the same to be counterfeit, and uttering any such false or counterfeit money; and all misprisions and concealments of any of the offences before excepted; and all abetting, aiding, comforting, and procuring of the same offences; and also all offences against an act made in the fifteenth year of his Majesty's reign, intituled, *An act for the more effectual preventing the counterfeiting of the current coin of this kingdom; and the uttering or paying of false or counterfeit coin.* or in bringing in false monies. Offences against 15 Geo. 2. c. 28.

XI. And also excepted out of this act of pardon, all violations of the privileges of ambassadors, and other publick ministers of foreign princes and states. Violations of the privileges of foreign ministers.

XII. And also excepted all manner of voluntary murthers, petty treasons, wilful poisonings, and all slaughters of forethought felony, done or committed by any person or persons; and also all wilful burning of houses, or stacks of corn, or barns with corn in them, at the time of such burning; and all Murthers and other offences.

and

and every the accessaries to the same offences, or any of them; and also all offences, of setting fire to any house, barn, or outhouse, or to any hovel, cock, mow, or stack of corn, straw, hay, or wood, or of shooting at any person in any dwelling-house, or other place, or sending any letter without any name subscribed thereto, or signed with a fictitious name, demanding money, venison, or other valuable thing, committed or done contrary to an act of parliament made in the ninth year of the reign of his late majesty King *George* the First, of glorious memory, intituled, *An act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice*, or any act made for the continuance thereof.

9 Geo. 1. c. 22.

Piracies.

XIII. And also excepted out of this general pardon, all piracies and robberies committed upon the high seas; and all and every procuring or abetting any such offenders, and comforting and receiving of them, or any of them, and of receiving any goods taken by the way of piracy or robbery upon the seas, as aforesaid.

Wilful destroying ships.

XIV. And also excepted all offences made felony in and by an act or acts of parliament made against the wilful casting away, burning, or otherwise destroying any ships or vessels.

Offences against 13 Car. 2. st. 1. c. 9.

XV. And also excepted out of this general pardon, all offences committed or done since the twenty fifth day of *December*, one thousand seven hundred and forty three, against an act made in the thirteenth year of the reign of King *Charles* the Second, intituled, *An act for the establishing articles and orders for the regulating and better government of his Majesty's navies, ships of war, and forces by sea*; or against any acts of parliament, intituled, *An act for punishing mutiny and desertion, and for the better payment of the army and their quarters*, other than the desertion of such offenders, who shall on or before the first day of *November* next return to his Majesty's service in the regiment, troop, or company, to which they did belong at the respective times of such desertion.

and against mutiny acts.

Robberies.

XVI. And also excepted out of this pardon, all burglaries, and all robberies of churches, and stealing any plate, utensils, or goods belonging to the same; and also all robberies committed on any person or persons in or near the highway.

Sodomy.

XVII. And also excepted the detestable and abominable vices of sodomy and buggery.

Rapes.

XVIII. And also excepted all rapes and carnal ravishments of women.

Perjury.

XIX. And also excepted all offences of perjury and subornation of witnesses, and endeavouring or conspiring to bribe or corrupt any person to give false testimony; and the offences of forging or counterfeiting and solicitation of forging and counterfeiting any fines or other records, deeds, wills, probates of wills, or letters of administration, escripts, or writings whatsoever,

Forgery.

soever, or publishing or making use in evidence of any such, knowing the same to be forged.

XX. And also excepted all offences of forging and counterfeiting of the bills of credit, commonly called *Exchequer Bills*, and the tendering in payment any such forged or counterfeited bill of credit, or demanding money thereupon at the exchequer, or elsewhere (knowing the bill so tendered, or whereupon the money shall be so demanded, to be forged and counterfeited) and also all offences of forging and counterfeiting the common seal of the corporation of the governor and company of the bank of *England*, or of any sealed bank bill, made or given out in the name of the said governor and company for the payment of any sum of money, or of any bank note whatsoever, signed for the said governor and company of the bank of *England*, or the altering or rasing any indorsement on any bank bill or note of any sort, exchequer orders, lottery orders, lottery tickets, or any indorsement or assignment thereof, or demanding money thereupon, or the tendering in payment, uttering, vending, exchanging, bartering, or indorsing any forged bank bill or bank note, or demanding or receiving any money thereon,

Forging exchequer bills.

Common seal of the bank, and bank bills, &c.

XXI. And also excepted all offences made felony by an act of parliament made in the second year of his Majesty's reign, intituled, *An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury; and to make it felony to steal bonds, notes, or other securities for payment of money*; or in and by another act of parliament made in the seventh year of his Majesty's reign, intituled, *An act for the more effectual preventing the forging the acceptance of bills of exchange, or the numbers or principal sums of accountable receipts for notes, bills, or other securities for payment of money or warrants, or orders for payment of money, or delivery of goods.*

Offences against 2 Geo. 2. c. 25.

7 Geo. 2. c. 22.

XXII. And also excepted all offences made felony in and by an act made in the eighth year of his late majesty King *George* the First, of glorious memory, intituled, *An act to prevent the mischiefs by forging powers to transfer stocks, or to receive such annuities or dividends as are therein mentioned, or by fraudulently personating the true owners thereof, and to rectify mistakes of the late managers for taking subscriptions for increasing the capital stock of the* South Sea *company, and in the instruments founded thereupon*; or in and by one other act made in the twelfth year of his said late Majesty's reign, intituled, *An act for better securing the monies and effects of the suitors of the court of* Chancery, *and to prevent the counterfeiting of* East India *bonds and indorsements thereon, as likewise indorsements on* South Sea *bonds.*

8 Geo. 1. c. 22.

12 Geo. 1. c. 32.

XXIII. And also excepted all offences made felony by one other act made in the fifth year of his said late Majesty's reign, intituled, *An act for the better preventing frauds committed by bankrupts*; or in and by one other act, made in the fifth year of his present Majesty's reign, intituled, *An act to prevent the committing of frauds by bankrupts.*

5 Geo. 1. c. 24.

5 Geo. 2. c. 30.

XXIV. And also excepted all offences in unlawfully and maliciously

Breaking banks and setting on fire mines, &c.

liciously breaking or cutting down the bank or banks of any river, or any sea banks, or setting or causing to be set on fire any mine, pit, or delph of coal, or cannal of coal, made felony by any act or acts of parliament,

Counterfeiting seamens tickets, and Mediterranean Passes.

XXV. And also excepted the offences of forging and counterfeiting seamens tickets, or authorities for receiving any sums of money due to seamen; and the offences of publishing, as true ones, forged or counterfeit tickets, knowing them to be forged or counterfeit; and also all offences in forging, counterfeiting, or altering any pass, commonly called a *Mediterranean Pass*, and publishing as true any such forged, counterfeit, or altered pass, knowing the same to be forged, counterfeit, or altered.

Contempts and misdemeanors, &c.

XXVI. And also excepted all offences, contempts, or misdemeanors (not being capital) done contrary to any act of parliament (other than using, or causing to be used, any craft, mystery, or occupation, by any person not brought up therein seven years as an apprentice) or contrary to the laws of this realm, for which any action, bill, plaint, information, indictment, or other prosecution, at any time within two years next before the last day of *Easter* term, in the year one thousand seven hundred and forty seven, hath been, or shall be found, commenced, or sued in any of his Majesty's courts at *Westminster*, or before any commissioners of *Oyer* and *Terminer*, gaol delivery, justices of assize, or justices of the peace, and on the said last day of *Easter* term, depending and remaining to be prosecuted, on which no outlawry, verdict, conviction, judgment, or decree shall, on the fifteenth day of *June*, one thousand seven hundred and forty seven, be had or obtained, and which have been prosecuted at the charge of any private person or persons, unless the defendant or defendants, in such prosecution or prosecutions, shall pay to such private prosecutor or prosecutors, his or their executors or administrators, such costs as the court, where or before whom such prosecution shall be, shall award to be paid to such private prosecutor or prosecutors in respect of the charges of such prosecution.

Felonies, contempts, and misdemeanors.

XXVII. And also excepted all felonies, contempts, and misdemeanors had, committed, or done, contrary to any act of parliament (other than using, or causing to be used, any craft, mystery, or occupation, by any person or persons not brought up therein seven years as an apprentice) or contrary to the laws of this realm, for which any person hath been, or shall be so far prosecuted, that on or before the last day of *Trinity* term, one thousand seven hundred and forty seven, any verdict hath been, or shall be obtained upon such prosecution, or any outlawry, conviction, judgment by default, or other judgment, sentence, or decree, had, given, or entered in any of his Majesty's courts, or before any commissioners of his Majesty, or any of his royal predecessors, within this realm of *Great Britain*, or by the commissioners of his Majesty, or any of his royal predecessors,

cessors, for the management of the receipt of excise, or other duties under their management, or by justices of the peace.

XXVIII. And also excepted out of this pardon, all offences and misdemeanors against an act of parliament made in the ninth year of his Majesty's reign, intituled, *An act for indemnifying persons who have been guilty of offences against the laws made for securing the revenues of customs and excise; and for enforcing those laws for the future*; and an act of parliament made in the nineteenth year of his Majesty's reign, intituled, *An act for the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise, and for indemnifying offenders against those laws, upon the terms in this act mentioned; and for the relief of officers of the customs in informations upon seizures*; and all convictions and attainders by virtue thereof, or against any other acts of parliament made for the paying or securing his Majesty's revenues of land-tax, customs, excise, inland duties, or of the post-office, stamp-duties, window and house-tax, or other duties, or for the preventing the exportation of wool, or the unlawful importation, landing, re-landing, or exportation of any goods, wares, and merchandizes, or for punishing or bringing to justice offenders against the laws relating to the revenues of customs and excise, and the exportation of wool.

9 Geo. 2. c. 35.

19 Geo. 2. c. 34.

and other acts for securing the revenues.

XXIX. Provided also, That if any person shall have committed high treason, in levying war against his Majesty, in the rebellion which began in the year of our Lord one thousand seven hundred and forty five, within this realm, who, at the time of such treason committed, or since, was possessed of, or intitled to any civil office for life, or for any estate of inheritance within this realm granted by his Majesty, or any of his predecessors, or claimed by or under such grant, or to any office, place, or employment of and in any city, borough, or town-corporate within this realm, and shall claim to have and enjoy such office, place, or employment, it shall and may be lawful to proceed in due form of law against such person for the said high treason, as if this act had not been made.

Rebels who were possessed of any civil employment, &c. for life; and shall claim the same.

XXX. Excepted also out of this pardon, all and every person and persons of the name and clan of *Mac Gregour*, mentioned and intended in and by an act of parliament made in *Scotland*, in the first parliament of the late King *Charles* the first, intituled, *Anent the clan* Gregour, whatever name or designation he or they may have, or do assume, or commonly pass under.

Persons of the name and clan of M'Gregour.

XXXI. And also excepted out of this pardon, all offences concerning any common highways or bridges, and all informations, indictments, and other proceedings thereon, and all issues returned upon any process concerning the same.

Offences concerning the highways, &c.

XXXII. And also excepted all offences in taking away, imbezilling, or purloining any of the goods, monies, chattles, jewels, armour, munition, stores, naval provisions, shipping, ordnance, and other habiliments of war belonging to the crown.

Imbezilling stores.

XXXIII. And also excepted all conditions and covenants, and

Forfeitures by covenant, &c.

and all penalties, titles, and forfeitures of conditions or covenants, accrued or grown to his Majesty, by reason of the breach or non-performance of any covenant or condition whatsoever.

Offences, &c. by officers of the revenue,

XXXIV. And also excepted out of this act of pardon, all offences, misbehaviours, misdemeanors, or omissions committed, suffered, or done by any officer of the exchequer or revenue, in or concerning the execution of his office, or by colour thereof, and all forfeitures, disabilities, incapacities, and penalties whatsoever, to which any such officer is or may be liable by reason of such offences, misbehaviours, misdemeanors, or omissions, and all suits, proceedings, and prosecutions, had or to be had for or by reason thereof.

by assessors and collectors of taxes.

XXXV. And also excepted out of this act of pardon, all wilful offences, misbehaviours, or misdemeanors, or omissions committed, suffered, or done by any assessor or assessors, collector or collectors of any aids or taxes, granted by any act or acts of parliament, in or concerning the execution of their offices, or by colour thereof, and all suits, proceedings, and prosecutions, had or to be had for or by reason thereof.

*Quare Impedit.*

XXXVI. And also excepted all titles, suits, and actions of *Quare Impedit.*

Incest, simony, dilapidations.

XXXVII. And also excepted all offences of incest, simony, or dilapidations, and all proceedings and sentences thereupon.

First fruits and tenths.

XXXVIII. And also excepted out of this pardon all first-fruits and tenths, pensions, procurations, synodals, and other payments out of any ecclesiastical promotion or benefice, and arrears of the same.

Custom and excise, &c.

XXXIX. And also excepted out of this pardon, all and every the sums of money and duties, accruing or arising by or from any customs or subsidies, excise, imposition upon wine or other liquors, or commodities, duties upon malt, hops, candles, soap, paper, duties on printing, painting, staining or dying silks, callicoes, linens, and stuffs, duties on starch, duties upon gilt and silver wire, duties on salt, duties upon tonnage of ships, duties upon parchment, vellum, and paper, arrears of any land-tax, poll-money, all arrears of rent, and all other sums of money due or owing from any licensed or hackney coachmen, or chairmen, or stage-coachmen, duties arising by wine licences, or the post-office, or by or from any other tax, assessment, duty, imposition, debt, or sum of money whatsoever, to the King's Majesty given or belonging, or leviable by any act of parliament, or otherwise due or belonging to the King's majesty, and all arrears thereof respectively, and all concealments and wrongful detainment thereof respectively, and all penalties, forfeitures, and disabilities arising thereby, or for the nonpayment, concealment, or detaining thereof, and all corruptions and misdemeanors of any officer or minister of, in, or concerning the same, and all accounts and suits whatsoever now depending, or to be had, made, or prosecuted for the same; and all concealments, frauds, and offences, by which his Majesty, or his royal father, hath

hath or have been deceived, and not truly answered for the same, or any of them.

XL. And also excepted out of this act, all offences committed or done contrary to an act of parliament, made in the fifth year of the reign of his late majesty King *George* the First, of glorious memory, intituled, *An act for the better securing the lawful trade of his Majesty's subjects to and from the* East Indies, *and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions*; or contrary to an act of parliament made in the seventh year of his said late majesty King *George* the First, of glorious memory, intituled, *An act for the further preventing his Majesty's subjects from trading to the* East Indies *under foreign commissions, and for encouraging and further securing the lawful trade thereto; and for further regulating the pilots of* Dover, Deal, *and the isle of* Thanet; and all forfeitures and penalties which any person or persons is, are, or may be liable to, by reason of any of the offences committed against either of the said acts, or contrary to any other acts of parliament made for the ascertaining, securing, or improving the trade of the *East India* company to and in the *East Indies*.

5 Geo. 1. c. 21.

7 Geo. 1. c. 21.

XLI. And also excepted all offences committed by any person or persons in taking or converting to their own use any goods, chattles, rents, or profits of land belonging to the crown, by any title or pretence whatsoever.

Converting goods, &c. belonging to the crown.

XLII. And also excepted out of this pardon, all arrears of rent due from any farmer or tacksman of any part of the publick revenue, and all arrears of fee farm rents and other rents.

Arrears of farmers.

XLIII. And also excepted all and singular accounts of all and every collector and collectors, commissioners, treasurers, receivers, or other officers, or other accountant whatsoever, who have received or collected, or are any other way accountable to his Majesty for any the customs, subsidies, impositions, excises, duties, land-taxes, poll-money, rents, or other matters before-mentioned, or for prize goods, or for any other tax, assessment, duty, imposition, debt, sum of money, or other things whatsoever, given to the King's majesty, or leviable by act of parliament, or otherwise belonging to his Majesty; and all accounts of every other person whatsoever, that ought to be accountant to the King's majesty, for or in respect of any receipt or other charge, and the heirs, executors, administrators, and sureties of any person that ought to account, for all things touching only the same accounts, and all and singular arrearages of accounts, and all impetitions, charges, seizures, suits, demands, and executions, which may or can be had of or for any such account or accounts, or any arrearages of the same.

Accounts of officers.

XLIV. And also excepted all recognizances, obligations, and other securities given or entered into by any receiver of any land-tax, or other duties or impositions, or any other sums of money whatsoever, due or payable to his Majesty by act of parliament, or otherwise, or by any reeve, bailiff, collector, or other accountant, in either of the courts of exchequer in *England* or

Securities of receivers.

*Scotland*, or given or entered into by any person or persons impowered or permitted by any such receiver, reeve, bailiff, collector, or other accountant, to have or receive any sum or sums of money arising from the land-tax, or other duties or impositions, or any other sums of money whatsoever, due or payable to his Majesty by act of parliament, or otherwise, and their sureties, and their accounts respectively, and all other recognizances and obligations whatsoever, with or upon condition to account, or for payment of money; and all obligations, or other securities given or entered into by any officer or officers of any of the revenues of his Majesty, or any of his royal predecessors, or their sureties, for the true discharge of his or their trusts.

Debts due to the crown.

XLV. And it is hereby declared and enacted, That this act shall not extend, or be construed to pardon or discharge any recognizance or obligation not yet forfeited, nor to pardon or discharge any forfeited recognizance or obligation, or any other forfeiture or penalty, whereof any person or persons who are or have been farmers or tacksmen of any part of the publick revenue, ought to receive any benefit or advantage; nor to pardon or discharge any debt due by any recognizance or obligation, or otherwise, to any person or persons indebted to the crown, which hath been duly seized in aid of the crown's debt; nor to pardon or discharge any debt due by recognizance, obligations, condemnation, or otherwise, whereupon any estalment or seizure has been at any time heretofore made, upon which estalment or seizure any thing is, or at any time since the twenty fourth day of *July*, one thousand seven hundred and twenty one, hath been answered and paid; nor to pardon or discharge any penalties, forfeitures, or sums of money due or accrued to his Majesty by reason of any act, statute or statutes, which forfeitures, penalties, and sums of money, since the said twenty fourth day of *July*, one thousand seven hundred and twenty one, be converted into the nature of any debt by judgment, order, or decree, or by the agreement of the offender or offenders, or have been estalled, or any seizure made for the same, and upon such seizure or estalment, any thing answered or paid since the said twenty fourth day of *July*, one thousand seven hundred and twenty one; nor to extend, or be construed to pardon or discharge any recognizance which hath been entered into, and forfeited for or on account of any crimes, or other matters, which by this act are excepted or foreprized out of this pardon.

Issues and fines by sheriffs, &c.

XLVI. And also excepted out of this pardon all issues, fines, and amerciaments lost, imposed, or assessed since the said twenty fourth day of *July*, one thousand seven hundred and twenty one, which have been, or shall be forfeited, levied, or received by any sheriff, under sheriff, bailiff, minister, or other officer, who are to account for the year ending at *Michaelmas* now next ensuing, at any time before they shall finish such their accounts respectively.

*Post Fines*, &c.

XLVII. And also excepted all fines *pro licentia concordandi*, commonly called *Post Fines*, and all such issues, fines, and amerciaments,

ciaments, above the sum of six pounds, which have been lost, imposed, or assessed, and have been affeered, taxed, set, estreated, or entered, since the said twenty fourth day of *July*, one thousand seven hundred and twenty one.

XLVIII. And also excepted all such issues, fines, and amerciaments, returned, affeered, taxed, set, or entered in any court of record within this realm of *Great Britain*, at any time since the fifteenth day of *June*, one thousand seven hundred and forty five; and yet nevertheless, all the estreats of such fines, issues, and amerciaments, as be now pardoned by this act, and which be already estreated forth of either of the courts of *Exchequer* of *England* or *Scotland*, and be remaining in the hands of the sheriff, under sheriff, bailiff, or other proper officer for collecting of the same fines, issues, and amerciaments, shall, upon the return of the said estreats, be duly and orderly charged and delivered by scrows into the office of the pipe in the said respective courts of *Exchequer*, as hath been heretofore accustomed in *England*, to the intent that thereupon order may be taken, that his Majesty may be truly answered all such fines, issues, and amerciaments, not by this act pardoned, and which any sheriff, under sheriff, bailiff, or other officer or minister, has received, or ought to answer, by force or colour of any such estreat, process, or precept to him or them made for levying thereof; and yet all and every sheriff and sheriffs, and other accountant, upon his or their petition or petitions, to be made for the allowance of any such fines, issues, or amerciaments, as by this act are pardoned, shall have all and every such his and their petition allowed in his and their account and accounts, without paying any fee or reward to any officer, clerk, or other minister, for the making, entering, and allowing of any such petition or petitions; any usage or custom to the contrary thereof in any wise notwithstanding.

Issues and fines entered in courts of record.

Sheriffs, &c. petitioning, to be allowed the same *gratis*.

XLIX. Provided always, That this act shall not extend to give or restore any ability or capacity to take, have, hold, or exercise any office, place, authority, or employment, ecclesiastical, civil or military, to any person or persons, who, by virtue or reason of any judgment of any court of justice, were or are made or become incapable or disabled to have, take, hold, or execute the same; but that all and every such person and persons shall remain and continue under all and every the disabilities and incapacities aforesaid; any thing in this present act to the contrary notwithstanding.

Persons disabled by judgement to exercise any office, not restored.

L. Provided, and it is hereby declared, That nothing in this act shall be construed to extend to restore, regrant, or revest, to or in any person, any office, place, or employment, civil or military, or any real or personal estate, which has, or have been, or shall be, on or before the said fifteenth day of *June*, one thousand seven hundred and forty seven, divested out of such person, by virtue of any judgment, attainder, conviction, or act of parliament.

Persons divested of any estate or employment not restored.

LI. And also excepted out of this pardon all such persons as, on

Persons attainted, &c.

of high treason before 15 June, 1747.

on or before the said fifteenth day of *June*, in the year one thousand seven hundred and forty seven, are or shall be attainted of high treason, by act of parliament, or judgment, or convicted of high treason, by verdict, confession, or otherwise.

Persons transported.

LII. And also excepted all persons who have been, or shall be transported into parts beyond the seas, on or before the last day of *Trinity* term, in the year one thousand seven hundred and forty seven, for any offence.

Treasons against 13 Wil. 3. c. 3.

LIII. And also excepted out of this pardon, all treasons contrary to an act of parliament made in the thirteenth year of the reign of the late King *William* the Third, of glorious memory, intituled, *An act for the attainder of the pretended prince of* Wales *of high treason*, committed since the first day of *July*, one thousand seven hundred and forty two, and before the twentieth day of *July* one thousand seven hundred and forty five.

17 Geo. 2. c. 39.

LIV. And also all treasons against an act of parliament made in the seventeenth year of his Majesty's reign, intituled, *An act to make it high treason to hold correspondence with the sons of the pretender to his Majesty's crown, and for attainting them of high treason, in case they shall land, or attempt to land, in* Great Britain, *or any of the dominions thereunto belonging; and for suspending the operation and effect of a clause in the act of the seventh year of the late Queen* Anne, *for improving the union of the two kingdoms, relating to forfeitures for high treason, until after the decease of the sons of the said pretender*, committed before the said twentieth day of *July*, one thousand seven hundred and forty five.

Persons concerned in procuring an invasion.

LV. Also excepted out of this pardon, all offences of high treason and misprision of high treason, committed at any time or times whatsoever by any person or persons, who, after the said first day of *July*, one thousand seven hundred and forty two, and before the said twentieth day of *July*, one thousand seven hundred and forty five, hath or have conspired, carried on, consented to, assisted, or been concerned in any design or proposal for invading, or procuring an invasion of this realm, by the forces of the *French* King, or any other foreign force, or for raising or carrying on a rebellion within the same.

Offences committed by popish priests against 27 Eliz. c. 2.

LVI. And also excepted out of this pardon, all and every offence and offences committed or done by any jesuit, seminary or other *Romish* priest whatsoever, contrary to the tenor or effect of the statute, made in the twenty seventh year of the reign of the late Queen *Elizabeth*, intituled, *An act against jesuits, seminary priests, and other such like disobedient persons*, and all outlawries, proceedings, judgements, and executions for the same offences, or any of them, and except all convictions of popish recusants for their recusancy, and the consequences thereof; and all forfeitures of estates, real and personal, given for supporting superstitious uses, mentioned in an act of the first year of the reign of his late majesty King *George* the First, of glorious memory, intituled, *An act for appointing commissioners to enquire of the estates of certain traitors, and of popish recusants, and of estates given to superstitious uses, in order to raise money out of them severally for the use of the publick.*

1 Geo. 1. c. 50.

LVIII. And

LVII. And also excepted all offences contrary to an act of parliament, made in the first year of the reign of his said late majesty King *George* the First, intituled, *An act to oblige papists to register their names and real estates.* 1 Geo. 1. c. 55.

LVIII. And also excepted all contempts in causes depending on or before the twentieth day of *June*, in the year one thousand seven hundred and forty seven, in any court of law or equity, or for non-performance of awards, or for non-payment of costs, given or awarded by such courts on or before the said fifteenth day of *June*, in the year one thousand seven hundred and forty seven, and all proceedings upon such contempts and securities taken thereon, and all usurpations and forfeitures of franchises or offices, for which any prosecution hath been commenced or begun since the said twentieth day of *July*, one thousand seven hundred and forty five, and is on the said fifteenth day of *June* depending and remaining to be prosecuted. Contempts in courts of law, or equity, or non-performance of awards, &c.

LIX. And also excepted all contempts in any ecclesiastical court, in such causes only that have been commenced for matters of right, and not for correction; and also all contempts in any court of admiralty, proceeding civilly and not criminally. Contempts in ecclesiastical and admiralty courts.

LX. And also excepted out of this act of pardon, *Charles* earl of *Traquair*, *Alexander* earl of *Kellie*, *Robert Maccarty*, stiling himself earl of *Clancarty*, Sir *James Steuart*, baronet of *Good Trees*, Sir *John Douglass* baronet, Sir *James Harrington* baronet, Sir *James Campbell* baronet of *Auchinbreck*, otherwise *Achinbreck*; Sir *William Dunbar*, baronet of *Durn*, Sir *Alexander Bannerman* of *Elsick*, baronet; *Archibald Steuart*, late provost of *Edinburgh*; *Peter Barry* doctor in physick, *Thomas Blair* of *Glasclune*, *Alexander Blair* writer in *Edinburgh*, *Peter Byers*; otherwise *Byres* of *Tonlay*, *James Carnegie* of *Boysack*, *Charles Cumming* of *Kinnimond* otherwise *Kinnimount*, *William Cumming* the younger of *Pitully*, *Roderick Chisholm* of *Comar* in *Strathglass*, *Alexander Cameron* of *Dungallon*, *William Drummond* of *Baboldie*, otherwise *Boboldie*, *William Drummond* of *Callendar*, *James Fraser* of *Foyers*, *Simon Fraser* of *Auchnacloy*, *John Fraser*, *M'Gelispick*, *Hugh Fraser* son to *Alexander Fraser* of *Leat Clan*, *James Farquharson*, of *Balmurral*, otherwise *Balmurle*, *John Fullerton* of *Dudwick* the younger, *John Dow Fraser* of *Little Garth*, *John Fraser* of *Browich*, late steward to lord *Lovat*; *Thomas Fraser* of *Gortuleg*, *Alexander Garioch* of *Margie*, *Arthur Gordon* of *Carnoussie*, *George Gordon* of *Hawhead*, otherwise *Hallhead*, *John Gordon* of *Abachie*, otherwise *Abochie*, *James Gordon* of *Gobardie*, otherwise *Cobardie*, *Francis Gordon* of *Mill* of *Kincardine*, *Robert Gordon* of *Logie* the younger, *James Gordon* of *Glasterum*, otherwise *Clashtirum*, *Robert Graham* of *Garrick*, *Patrick Grant* of *Glenmorison*, *John Graham* of *Kilmardinny*, *David Hunter* of *Burntside*, otherwise *Burnside*, *John Halden*, otherwise *Haldane*, otherwise *Haldon*, of *Lanrick*, *Alexander Halden*, otherwise *Haldane*, otherwise *Haldon*, son to the said *John*; *Andrew Hay*, the younger of *Ranus*, otherwise *Ranas*; *Alexander Irvine* of *Drum*, *George Kelly*, *James Levistoune*, otherwise *Livingston*, late postmaster of *Falkirke*; *Cole*, Names of persons excepted.

otherwise *Col M' Donald* of *Barisdale*, *Gregor M' Gregor*, otherwise *James Greeme*, otherwise *Graham* of *Glengyle*; *Malcolm M' Leod* of *Rasa*, *Archibald Menzies* of *Seyan*, otherwise *Shien*; *Gilbert Menzies* junior of *Pitfoddles*; *Thomas Mercer* merchant in *Aberdeen*, *William Moir* of *Lonemay*, otherwise *Longmay*, *James Moir* of *Stonywood*, *Oeneas*, otherwise *Angus M' Donald* late banker at *Paris*; *James Mac Donald* brother to *Mac Donald* of *Kinloch Moidart*, *John Murray* late clerk of the customs at *Alloa*, *Donald Mac Donald* of *Inveroy*, *John Mac Donald* the elder of *Glengary*, *Alexander Mac Donald* of *Glenco*, *Robert Murray* of *Glencarnock*, *Thomas Ogilvie* of *East Mill*, *Alexander Ogilvie* of *Acheries*, *Thomas Ogilvie* of *Coul* merchant in *Dundee*, *John Riddle*, otherwise *Riddel* of *Grange*, *David Robertson* of *Eastea Bleaton*, *George Robertson* of *Faskelly*, *James Robertson* of *Blairfetty*, *Alexander Robertson* of *Strouan*, *Duncan Robertson* of *Drummachean*, *Donald Smith* merchant in *Aberdeen*, *David Smith* of *Inveramsay*, *Daniel Spalding* otherwise *Spaldane*, of *Ashentully*, *James Stirling* of *Craig Barnett*, *Charles Stuart* of *Ballachallan*, *David Stuart* of *Kinnachin*, *Robert Stuart* of *Killiharry*, otherwise *Killyhasly*, *John Turner* the younger of *Turner Hall*, *Alexander Thomson*, otherwise *Thompson* of *Fechfield*, otherwise *Fochfield*, otherwise *Fairfield*: *David Tulloch* of *Bugtown*, otherwise *Bugtoun*, *William Vaughan* the younger of *Courtfield*, in the county of *Monmouth*; *Andrew Wauchop*, otherwise *Warcupp*, of *Nidrie*, esquire; and *Alexander White* the younger of *Ardlehill*.

Process of outlawry not to be stayed, unless the defendant put in bail, &c.

LXI. Provided always, and be it enacted by the authority aforesaid, That no process of outlawry, or any proceedings thereon, at the suit of any person plaintiff, shall be, by virtue of this pardon, stayed or avoided, unless the defendant appear, and put in bail, where by law bail is necessary, and take out a writ of *scire facias* against the party, at whose suit he was outlawed; and that this pardon be not allowed to discharge any outlawry after judgment, till satisfaction or agreement be made to, or with the party, at whose suit the outlawry was obtained.

General issue.

LXII. And it is further enacted by the authority aforesaid, That every person or persons hereby pardoned, may plead the general issue, without special pleading of this pardon, and give this act of pardon in evidence for his discharge; and that the same shall be thereupon allowed, and advantage thereof had, as fully to all intents and purposes, as if the same had been fully and well pleaded.

Validity of this act.

LXIII. And be it further enacted by the authority aforesaid, That this present pardon shall be of as good force and effect, to pardon and discharge all and singular the premisses abovementioned, and intended to be pardoned and discharged, as well against such person or persons, bodies politick and corporate, as do or shall claim the same, by or under any letters patents, or lease, or grant by the King's majesty, or any his predecessors, as against the King's Majesty himself.

*Anno*

# *Anno vicesimo primo* GEORGII II. *Regis.*

AT *the parliament begun and holden at* Westminster, *the tenth day of* November, Anno Domini *one thousand seven hundred and forty seven, in the twenty first year of the reign of our sovereign lord* George *the Second, by the grace of God of* Great Britain, France *and* Ireland, *King, defender of the faith,* &c. *being the first session of this present parliament.*

## CAP. I.

An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland; for the service of the year one thousand seven hundred and forty eight. EXP.

## CAP. II.

*An act for granting to his Majesty a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom: and for raising a certain sum of money by annuities and a lottery to be charged on the said subsidy; and for repealing so much of an act made in the twentieth year of his present Majesty's reign, as enacts,* That prize goods and merchandize may be exported without paying any duty of custom or excise for the same.

*Most gracious Sovereign,*

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, for the better enabling your Majesty to defray the charge of this present war, and for other your Majesty's most necessary and important occasions, have given and granted unto your Majesty the further subsidies, rates, duties, and sums of money hereafter mentioned; and do humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That over and above all subsidies of tonnage and poundage, and over and above all additional duties, impositions, and other duties whatsoever, by any other act or acts of parliament, or otherwise howsoever already due and payable, or which ought to be paid to his Majesty, his heirs or successors, for or upon any goods or merchandizes, which, from and after the first day of *March*, which shall be in the year of our Lord one thousand seven hundred and

Additional duty of 12d. in the pound laid on all goods imported;

and forty seven, shall be imported or brought into the kingdom of *Great Britain*, one further subsidy of poundage of twelve pence in the pound shall be paid to his Majesty, his heirs or successors, upon all manner of goods or merchandizes to be imported or brought into this realm, or any his Majesty's dominions to the same belonging, at any time or times after the said first day of *March*, one thousand seven hundred and forty seven, by the importer of such goods or merchandizes, before the landing thereof, according to the several particular rates and values of the same goods and merchandizes, as the same are now particularly and respectively rated and valued, in the respective book of rates referred to by the acts of the twelfth year of the reign of King *Charles* the Second, and the eleventh year of his late Majesty, or by any other act or acts of parliament; and so after that rate or value, or which do now pay any duty *ad Valorem*.

as valued in the book of rates 12 Car. 2. c. 4. and 11 Geo. 1. c. 7.

Unrated East India goods to pay 5l. per cent. on the gross price.

II. *And whereas it may happen, that several goods and merchandizes may be imported by the* East India *company, which are not rated by any act of parliament*; be it enacted by the authority aforesaid, That all such unrated goods and merchandizes shall pay the said subsidy of five *per centum* granted by this act on the gross price for which the goods shall be sold at the candle, without any allowance or deduction whatsoever; and that nothing in this act shall any ways alter the present method of computing the reduced value and duties at present payable upon unrated *East India* goods, but the same shall be computed as if this present act had never been made; and the subsidy hereby granted shall be paid by the said united *East India* company, at the same times as the other subsidies on *East India* goods imported by the said company are now due and payable; any law or custom to the contrary notwithstanding.

Duties how to be levied, &c.

III. And be it further enacted by the authority aforesaid, That the subsidy of poundage hereby granted, shall be raised, levied, and collected by the respective officers of his Majesty's customs in this kingdom, under the management and direction of the respective commissioners of the customs for the time being; and shall be brought and paid, or answered, into the receipt of his Majesty's exchequer, for the purposes in this act mentioned (such additional charge as shall be necessary for the management of this revenue only excepted) and that all and every the clauses, powers, directions, penalties, forfeitures, matters, and things whatsoever contained in the said act of the twelfth year of the reign of King *Charles* the Second, or in any other laws or statutes whatsoever now in force, for raising, levying, collecting, answering, and paying the subsidy of tonnage and poundage thereby granted, shall be applied, practised, and put into execution, for the raising, levying, securing, collecting, answering, and paying the subsidy of poundage by this act granted, as fully and effectually, to all intents, and purposes, as if all and every the said clauses, powers, directions, penalties and forfeitures,

were

were particularly repeated and again enacted in the body of this present act.

IV. Provided always, That nothing herein contained shall extend, or be construed to extend, to any goods or merchandizes which were or are now allowed by the said act of the twelfth year of the reign of King *Charles* the Second, or any other act or acts of parliament to be imported duty free, nor to any prohibited goods or merchandizes which may be imported by the united *East India* company.

Not to extend to goods imported free nor to prohibited goods imported by the India company.

V. Provided also, and it is the true intent and meaning of this act, That the importers of tobacco shall, upon paying down the subsidy hereby granted, have the same allowance with respect to this subsidy, as they are intitled to by any law now in force upon tobacco imported; but in case the said subsidy hereby granted shall not be paid down as aforesaid, then the said importers shall become bound to his Majesty, his heirs or successors, with one or more sufficient sureties, to be approved of by the collector of the port where the tobacco shall be imported, with the consent of the comptroller of such port, in one or more bond or bonds, at the election of the importer, for payment of the said subsidy within eighteen months, to commence at the end of thirty days after the master's report of the ship, or to commence from the merchant's entry of the goods within those thirty days, which shall first happen; any thing herein contained to the contrary thereof in any wise notwithstanding.

Allowance to the importer of tobacco.

Bond to be given on non-payment of the duty.

VI. Provided always, and it is hereby enacted and declared by the authority aforesaid, That in all cases where any goods or merchandizes, that have paid the subsidy hereby granted, shall at any time or times be again exported by any merchant or merchants, within three years from the importation thereof, the subsidy by this act granted, and which shall have been actually paid for such goods, wares, or merchandizes, shall without any delay or reward, be repaid unto such merchant or merchants, who shall export the same, or the security vacated; except for such goods or merchandizes, as by any former act or acts of parliament it is declared no drawback shall be paid or allowed upon exportation, and except as is herein after excepted in relation to prize goods.

Drawback allowed upon exportation within 3 years

Exception.

VII. And be it further enacted by the authority aforesaid, That for every hundred weight of sugar imported into *Great Britain*, after the said first day of *March*, one thousand seven hundred and forty seven, and refined there (and so in proportion for a greater or lesser quantity) that shall be exported out of this kingdom, after the said first day of *March*, one thousand seven hundred and forty seven, during the continuance of this act, there shall be repaid at the custom house to the exporter, within thirty days after the demand thereof, the sum of three shillings, over and above the present bounties; oath being first made by the refiner, that the sugar so exported, was produced from brown and muscovada sugar, charged by this act, and that as he verily believes the same was imported from his Majesty's plan-

Drawback on 3s per hundred weight on sugar refined in Great Britain, and exported, &c.

plantations in *America*, and the duty duly paid at the time of the importation thereof, the exporter making oath, that the same was duly exported, and his Majesty's searcher also certifying the shipping thereof, and all other requisites being performed according to the respective books of rates.

Part of 20 Geo. 2. c. 45. repealed.

VIII. *And whereas by an act of parliament made and passed in the twentieth year of his Majesty's reign (intituled* An act to continue several laws relating to the manufactures of sail cloth and silk; to give further time for the payment of duties, omitted to be paid for the indentures or contracts of clerks and apprentices, and for better securing the payment of the said duties; and declaring that prize ships lawfully condemned, shall be deemed, *British* built ships: and for allowing prize goods to be landed and secured in proper warehouses, without payment of any duty, until it can be determined whether they are fit for exportation or home consumption) *it was amongst other things enacted, That all goods and merchandizes that then had been or should, during the continuance of the present war with* France *or* Spain, *be taken from his Majesty's enemies, and landed from any ship or vessel, in any port within the kingdom of* Great Britain, *after being subject to the several rules and restrictions prescribed and mentioned in the said act, might be exported again to foreign parts, by the captors or other owners thereof, without being liable to or paying any duty of custom or excise for the same, as by the said act, relation being thereunto had, will more fully and at large appear*: be it therefore enacted by the authority aforesaid, That so much of the said act as relates to the nonpayment of the said duties of custom or excise on prize goods or merchandizes lodged in warehouses, and so exported as aforesaid, shall, from and after the first day of *March*, one thousand seven hundred and forty seven, be, and is hereby repealed and made void; and that the subsidy hereby granted shall not be drawn back, on the exportation of any prize goods or merchandizes taken by any of his Majesty's ships or vessels of war: any thing in the said recited act, or any other act or acts of parliament to the contrary notwithstanding.

No drawback allowed on exportation of prize goods.

Books to be kept for entering the monies coming in by this act.

IX. And be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the receipt of exchequer at *Westminster*, a book or books, in which all the monies hereby appointed to be paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable there to his Majesty, his heirs or successors, upon any account whatsoever; and the said money so appointed to be paid into the said receipt of exchequer as aforesaid, shall be the yearly fund for the several purposes herein after mentioned.

Appropriation of the duties.

X. And be it further enacted by the authority aforesaid, That all and every the annuities which by this act shall be granted and made payable, in respect of the principal sum of six millions three hundred thousand pounds, to be raised in manner and form as is herein after directed; as also the additional capital of ten pounds in lottery tickets, herein after directed to be added

to

to every one hundred pounds, advanced towards raising the said sum of six millions three hundred thousand pounds, until redemption thereof by parliament, shall be charged and chargeable upon, and payable out of the several subsidies, rates, and duties by this act granted to his Majesty; and the said several subsidies, rates, and duties shall be, and are hereby appropriated for that purpose accordingly.

XI. *And whereas several persons, natives and foreigners, bodies politick and corporate, have subscribed and agreed to advance the said sum of six millions three hundred thousand pounds, for the publick service, for the purchase of annuities after the rate of four pounds* per centum per annum; *and the said subscribers or contributors have, in pursuance of a resolution of the commons of* Great Britain *in parliament assembled, deposited with and paid to the first or chief cashier or cashiers of the governor and company of the bank of* England *for the time being, the sum of ten pounds* per centum *in part of the principal sums by them respectively subscribed as aforesaid; and have also paid to the said cashier or cashiers the further sum of ten pounds* per centum, *on or before the twenty eighth day of* January, *one thousand seven hundred and forty seven; and have also advanced and paid several other sums of money to the said cashier or cashiers, by virtue and in pursuance of the said resolutions, in further part of the said sum of six millions three hundred thousand pounds, and are desirous to pay the remaining principal sums by them subscribed as aforesaid, at such times, and in such manner, as are herein after appointed in that behalf*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all and every such contributor or contributors, who have already deposited with, or paid to the said cashier or cashiers of the said governor and company of the bank of *England*, the said two several and respective sums of ten pounds *per centum*, or other sums of money, in part of the said sum of six millions three hundred thousand pounds as aforesaid, to advance and pay unto the said cashier or cashiers, at or before the respective days or times, and in the proportions herein after by this act limited in that behalf, the remaining principal sums by them subscribed towards the said sum of six millions three hundred thousand pounds, for the purchase of any certain annuity or annuities, to commence from the feast of Saint *Michael* the archangel, which shall be in the year of our Lord one thousand seven hundred and forty eight, and to be paid and payable to such contributor or contributors, or such as he, she, or they shall nominate his, her, or their executors, administrators, successors, or assigns respectively, in manner herein after mentioned; which annuities before mentioned shall be computed at the rate of four pounds *per centum* for every one hundred pounds, and proportionably for any greater or less sum so to be advanced and paid; and the remaining purchase money for every such annuity, at the rate aforesaid, is hereby appointed to be paid unto the said cashier or cashiers aforesaid, at or before the respective days or times herein after limited; that is to say, The sum of ten pounds *per centum*,

Contributors who have paid two tenths to pay in the remainder in the proportions limited.

Annuities to commence from Michaelmas 1748.

at 4 l. *per cent.*

Times of advancing the sums.

*centum*, part thereof, on or before the twenty seventh day of *February*, one thousand seven hundred and forty seven; the sum of ten pounds *per centum*, other part thereof, on or before the twenty fourth day of *March*, then next ensuing; the sum of ten pounds *per centum*, other part thereof, on or before the twenty second day of *April*, then next ensuing; the sum of ten pounds *per centum*, other part thereof, on or before the twenty fourth day of *May*, then next ensuing; the sum of ten pounds *per centum*, other part thereof, on or before the twenty first day of *June*, then next ensuing; the sum of ten pounds *per centum*, other part thereof, on or before the twenty first day of *July*, then next ensuing; the sum of ten pounds *per centum*, other part thereof, on or before the twenty third day of *August*, then next ensuing; and the remaining sum of ten pounds *per centum*, on or before the twentieth day of *September*, then next following: all which annuities, so to be purchased, shall be paid and payable at two of the most usual feasts or days of payment in the year; that is to say, the feasts of the annunciation of the blessed virgin *Mary*, and of Saint *Michael* the archangel, by even and equal portions, or within six days after every of the said feast days; the first payment thereof to be due and payable at the feast of the annunciation of the blessed Virgin *Mary*, which shall be in the year of our Lord one thousand seven hundred and forty nine, or within six days after the said feast day: nevertheless the said annuities shall be redeemable according to the purport and true meaning of a proviso or condition herein after mentioned in that behalf, and not otherwise; and the said cashier or cashiers of the said governor and company of the bank of *England* for the time being, is and are hereby authorized and required forthwith to give receipts in writing, signed by himself or themselves, to such contributor or contributors, for all sums of money by them deposited with, or paid unto such cashier or cashiers before the passing of this act; as also for such other sum or sums of money as shall hereafter be advanced or paid to him or them by any such contributors or payers thereof; which receipts shall be assignable by indorsement thereupon made, at any time before the twentieth day of *September*, one thousand seven hundred and forty eight, and no longer; and the said cashier or cashiers are hereby required to give security to the good liking of any three or more of the commissioners of the treasury now being, or of the high treasurer, or commissioners of the treasury for the time being, for duly answering and paying into the receipt of his Majesty's exchequer, all the monies which he or they have already received by way of deposite, or otherwise, or shall hereafter receive, from time to time, of or for the said sum not exceeding six millions three hundred thousand pounds, as fast as he or they shall receive the same, or any part thereof, and to account for all the monies so to be advanced and paid to him or them, in his Majesty's court of exchequer, according to the due course thereof.

First payment 25 March, 1749.

Cashier of the bank to give receipts.

The receipts to be assignable.

Cashier to give security.

Cashier to give notes for de-

XII. And be it enacted by the authority aforesaid, That the said cashier or cashiers shall, and they are hereby authorized and required

required to give a note or writing, signed by him or them, to such contributor or contributors, obliging himself or themselves to deliver to such contributor or contributors, or their assigns, a ticket in the lottery herein after mentioned, of the value of ten pounds, by way of additional capital, for every one hundred pounds by them respectively subscribed towards raising the said sum of six millions three hundred thousand pounds, for the purposes aforesaid, as soon as the managers and directors, to be appointed for preparing and delivering out the said tickets in the said lottery, shall deliver to the said cashier or cashiers the books comprehending the said tickets; which said additional capital in tickets, as aforesaid, amounting in the whole to the sum of six hundred and thirty thousand pounds, shall be attended with annuities after the rate of four pounds *per centum per annum*, and shall be charged upon, and paid out of the said several subsidies, rates, and duties by this act granted, at the same half-yearly feast days, and in the same manner, as the annuities herein before made payable, in respect of the said principal sum of six millions three hundred thousand pounds, are to be paid and payable, and subject also to the same proviso of redemption as is herein after contained in that behalf; and the said notes or writings, to be signed and delivered by the said cashier or cashiers to the said contributor or contributors, as aforesaid, shall be assignable by endorsement thereupon, made at any time before the said twentieth day of *September*, one thousand seven hundred and forty eight, and no longer.

livery of a ticket in the lottery for every 100 l. subscribed,

which is to carry 4 l. *per cent.* interest.

XIII. And be it further enacted by the authority aforesaid, That the said cashier or cashiers shall, and they are hereby authorized and required to pay into the said receipt of exchequer, not only all such sum and sums of money, as have already been deposited with, or paid to them, by the said contributor or contributors, towards raising the said sum of six millions three hundred thousand pounds, but also all such further sum or sums of money as shall be hereafter paid into their hands, at the respective days or times herein before limited and appointed for payment thereof, as fast as he or they shall receive the same; and that it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, from time to time, to issue and apply all such sum or sums of money as shall be so paid into the said receipt, by the said cashier or cashiers, towards the said sum of six millions three hundred thousand pounds, to such services as shall then have been voted by the said commons of *Great Britain* in this session of parliament.

Cashier to pay the monies into the exchequer.

Treasury to apply the money to the services voted by parliament.

XIV. And it is hereby enacted, That in the office of the accomptant general of the governor and company of the bank of *England* for the time being, there shall be provided and kept a book or books, in which there shall be fairly entered the names of all who shall be the contributors for such annuities, after the rate of four pounds *per centum per annum* as aforesaid, and of all

Contributors names, &c. to be entered in the office of the accomptant general of the bank.

all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the sums so paid; and it shall and may be lawful for the said respective contributors, their executors, administrators, successors, and assigns, from time to time, and at all seasonable times, to have resort to, and inspect the said book or books without any fee or charge; and the said accomptant general for the time being, shall, on or before the twenty fourth day of *June*, one thousand seven hundred and fifty, transmit an attested duplicate fairly written on paper, of the said book or books, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

Duplicate to be transmitted into the auditor's office.

The monies appropriated to payment of the annuities,

XV. And it is hereby enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the whole consideration or purchase money, at the rate aforesaid, at or before the respective days and times in this act limited in that behalf, for such annuity or annuities as aforesaid, or such as he, she, or they shall appoint, his, her, or their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be intitled by virtue of this act, to have, receive, and enjoy, the respective annuity and annuities so to be purchased, together with the annuity or annuities made payable by this act, in respect to the said additional capital as aforesaid, out of the monies by this act appropriated or appointed for payment thereof as aforesaid, and shall have good and sure estates and interests therein for ever, subject only to the proviso or condition of redemption, in this act afterwards contained concerning the same; and that all the several and respective annuities, payable in pursuance of this act, after the rate of four pounds *per centum per annum*, on all and every the principal sums for which the same are payable, shall be free from all taxes, charges, and impositions whatsoever.

free from taxes.

Contributors to be allowed 5 l. *per cent.*

XVI. And it is hereby provided and enacted by the authority aforesaid, That all and every person and persons who shall become interested in, or intitled unto any annuity or annuities, part of the said sum of six millions three hundred thousand pounds subscribed for in pursuance of this act, who shall, before the passing of this act, have advanced or paid, or shall hereafter advance and pay to the said cashier or cashiers, the whole, or any part of the remaining purchase-money, payable in respect thereof, at or before any of the respective days or times herein limited or appointed for payment thereof, such person or persons shall be allowed interest after the rate of five pounds *per centum per annum*, for all and every such sum and sums of money as shall be so advanced and paid to such cashier or cashiers, by any such contributors as aforesaid, to be computed from the day on which such actual payment shall have been made, to *Michaelmas*, one thousand seven hundred and forty eight; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and required to cause the said interest

interest to be paid upon such respective sums, as shall be so advanced accordingly, out of the monies to be contributed in pursuance of this act; and in case any such person or persons shall compleat the payment of the whole purchase money, payable for any such annuities, he, she, or they shall have such respective sums, as they shall become interested in, or intitled unto, forthwith placed to the credit of the said contributors, and made transferrable in the books of the bank of *England*, by this act appointed to be kept for that purpose.

The annuities to be transferable at the bank.

XVII. Provided, That in case any such contributors as aforesaid, who have already deposited with, or paid to the said cashier or cashiers any sum or sums of money at the times, and in the manner before-mentioned, in part of his, her, or their purchase-money, or his, her, or their executors, administrators, successors, or assigns, do not advance and pay to the said cashier or cashiers the sum of ten pounds *per centum*, in further part of his, her, or their consideration-money, so to be paid for such respective annuity or annuities as aforesaid, on or before the twenty seventh day of *February*, one thousand seven hundred and forty seven; and the sum of ten pounds *per centum*, other part thereof, on or before the twenty fourth day of *March* then next ensuing; and the sum of ten pounds *per centum*, other part thereof, on or before the twenty second day of *April* then next ensuing; and the sum of ten pounds *per centum*, other part thereof, on or before the twenty fourth day of *May* then next ensuing; and the sum of ten pounds *per centum*, other part thereof, on or before the twenty first day of *June* then next ensuing; and the sum of ten pounds *per centum*, other part thereof, on or before the twenty first day of *July* then next ensuing; and the sum of ten pounds *per centum*, other part thereof, on or before the twenty third day of *August* then next ensuing; and the remaining sum of ten pounds *per centum*, on or before the twentieth day of *September* then next following; then, and in every such case respectively, so much of the consideration-money as shall have been actually paid in part thereof only, to the said cashier or cashiers, for such respective annuity, shall be forfeited for the benefit of the publick; any thing in this act contained to the contrary notwithstanding.

Contributors who have paid part, and not making good the whole, to forfeit what has been paid in.

XVIII. *And whereas it is intended, That every contributor of the sum of one hundred pounds, towards raising the said sum of six millions three hundred thousand pounds, shall have and be intitled unto an additional capital of ten pounds in a lottery ticket, which tickets are to be prepared, and the lottery to be drawn, in manner herein after mentioned*; be it therefore further enacted by the authority aforesaid, That such persons as the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall nominate or appoint, shall be managers and directors for preparing and delivering out tickets, and to oversee the drawing of lots, and to order, do, and perform such other matters and things as are hereafter in

Treasury to appoint managers of the lottery.

and by this act directed and appointed by such managers an directors to be done and performed; and that such managers and directors shall meet together, from time to time, at some publick office or place for the execution of the powers and trusts in them reposed by this act; and that the said managers or directors, or so many of them as shall be present at any such meeting, or the major part of them, shall cause books to be prepared, in which every leaf shall be divided or distinguished into three columns, and upon the innermost of the said three columns there shall be printed sixty three thousand tickets, &c.

Managers to meet together for executing their powers.

Method of the lottery books.

Eight thousand seven hundred and fifty tickets shall be fortunate, three of them ten thousand pounds principal, four five thousand pounds, seven two thousand pounds, nineteen one thousand pounds, thirty nine five hundred pounds, one hundred and seventy one one hundred pounds, four hundred and forty two fifty pounds, eight thousand and sixty five twenty pounds; which sums, with five hundred pounds to the first drawn ticket, and one thousand pounds to the last drawn, will amount to three hundred and four thousand and five hundred pounds; which being added to three hundred twenty five thousand and five hundred pounds, the principal payable on the remaining fifty four thousand two hundred and fifty blank tickets, six pounds each, amount to six hundred and thirty thousand pounds; to be converted into annuities in respect of the lottery. Time and place of drawing the lottery. Prizes to be entered in a book. A list of the prizes to be printed. Counterfeiting of tickets, certificates, or the numbers of them, felony. Persons selling shares in tickets of which they are not possessed to forfeit 500l. The tickets to be exchanged for certificates. EXP.

XXXI. And be it further enacted by the authority aforesaid, That the said accomptant general of the bank of *England* for the time being, to whom the said certificates are to be directed as aforesaid, shall, upon receiving and taking in the said certificates, or any of them, give credit to the persons named, in the same book or books, to be by him provided and kept for that purpose, for the principal sums contained in every such certificate; and the persons to whose credit such principal sums shall be entered in the said book or books, his, her, or their executors and administrators shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, bodies politick or corporate whatsoever, in other books, to be prepared and kept by the said accomptant general for that purpose; and the principal sums so assigned or transferred, shall carry the said annuity of four pounds *per centum per annum*, and shall be taken and deemed to be stock transferrable by this act, according to the powers and authorities herein after mentioned, until the redemption thereof as aforesaid; and the said accomptant general of the bank of *England* for the time being, is hereby authorized and directed to cancel and file the certificates, as they shall from time to time be received and taken in by him, and to give the persons bringing in the same a note under his hand, testifying the principal money for which they shall have credit in the said book or books, by reason or means of the certificates so received, taken in, and cancelled as aforesaid, and of the annuities attending the same.

Accomptant general to give credit for the sums named in the certificates;

which may be transferred,

and carry 4 per cent. interest.

Certificates to be cancelled, and notes given.

XXXII. And

XXXII. And for the more easy and sure payment of the several and respective annuities, amounting to six millions three hundred thousand pounds, by this act authorized to be purchased as aforesaid, as also of the several annuities payable in respect of the said additional capital, by way of lottery as aforesaid; it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall from time to time, until the said several and respective annuities, after the rate of four pounds *per centum per annum*, shall be redeemed according to this act, appoint and employ one or more sufficient person or persons within their office in the city of *London*, to be their chief or first cashier or cashiers, and one other sufficient person, within the same office, to be their accomptant general; and that so much of the monies, from time to time arising into the said receipt of the exchequer, for the said subsidies, rates, and duties by this act appropriated for this purpose, as shall be sufficient, from time to time, to answer the said several and respective annuities, and other payments directed to be paid and discharged out of the same, shall, by order of the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury of his Majesty, his heirs or successors for the time being, without any further or other warrant to be sued for, had, or obtained in that behalf, from time to time, at the respective half yearly feast days, or days of payment, in this act before appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said first or chief cashier or cashiers of the said governor and company of the bank of *England*, and their successors for the time being, by way of imprest, and upon account for the payment as well of the said several and respective annuities to be purchased upon this act, as of the annuities payable in respect of the said additional capital by way of lottery, at such times, and in such manner and form, as are by this act prescribed in that behalf; and that all and every such cashier or cashiers, to whom the said monies shall from time to time be issued, shall from time to time, without delay, apply and pay the same accordingly, and render his account thereof according to the due course of the exchequer; any thing herein contained to the contrary notwithstanding.

Cashier and accomptant general to be appointed.

Monies for payment of the annuities to be issued from the exchequer, &c.

XXXIII. And it is hereby also enacted, That the said accomptant general for the time being, shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay; and that all and every person and persons whatsoever, who shall be intitled to any of the said several and respective annuities, after the rate of four pounds *per centum per annum*, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, and the same shall not be descendible to the heir, and shall not be liable to any foreign attachment by the custom of *London*, or

Accomptant general to inspect the cashiers receipts.

Annuities to be a personal estate, &c.

otherwise; any law, statute, or custom to the contrary notwithstanding.

The monies contributed to be a joint stock, &c.

XXXIV. And be it further enacted by the authority aforesaid, That all the monies to be advanced or contributed, or to which any person or persons shall become entitled to upon this act, for or towards the said sum not exceeding six millions three hundred thousand pounds, together with the additional capital by way of lottery, shall be deemed, reputed, and taken to be one capital or joint stock, on which the said several and respective annuities, after the rate of four pounds *per centum per annum*, shall be attending; and that all and every person and persons, and corporations whatsoever, in proportion to the money by him, her, or them advanced, or to which they shall become intitled as aforesaid, upon this act, shall have, and be deemed to have a proportional interest and share in the said stock, and in the annuity attending the same, at the rate aforesaid; and that the said whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the same, shall be assignable and transferrable as this act directs, and not otherwise; and that there shall constantly be kept at all seasonable times, in the office of the said accomptant general for the time being, within the city of *London*, a book or books, wherein all assignments or transfers of the said whole capital or joint stock, or any part thereof, and the proportional annuities attending the same, at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or if such parties be absent, by his, her, or their attorney or attornies thereunto lawfully authorized, by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons, to whom such transfer shall be made, do underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good or available in law.

and transferrable.

Book to be kept for transfers,

to be signed by the parties transferring and accepting.

Annuities devisable by will, &c.

XXXV. Provided always, That any person or persons possessed of such stock, with the annuity or annuities attending the same, or any estate or interest therein, may devise the same by will, in writing, attested by two or more credible witnesses; but that such devisee shall receive no payment thereupon, till so much of the said will, as relates to the said stock or annuity, be entered in the said office; and in default of such transfer or devise, the said stock and annuities attending the same, shall go to the executors or administrators; and that no stamp duties whatsoever shall be charged on the said transfers, or any of them; any other law or statute to the contrary notwithstanding.

The bank to continue a company till redemption of the annuities.

XXXVI. Provided always, and it is hereby enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors (notwithstanding the redemption of all or any their own funds, in pursuance of the acts for

for establishing the same, or any of them) shall continue a corporation, with all the powers, privileges, and advantages thereunto belonging, for the purposes in this act expressed, till all the annuities to be purchased on this act shall be redeemed by parliament, according to the proviso herein after contained in that behalf; and the said governor and company, or any members thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act.

No fee for payment of contribution-money, or for transfers.

XXXVII. And it is hereby enacted by the authority aforesaid, That no fee or gratuity whatsoever, shall be demanded or taken of any of his Majesty's subjects, for receiving or paying the said contribution-monies, or any of them, or for any tallies or receipts concerning the same, or for issuing the monies for paying the said several annuities, or any of them; and that no fee or gratuity shall be demanded or taken for any transfer, of any sum great or small, to be made in pursuance of this act; upon pain that any officer or person offending, by taking or demanding any fee or gratuity contrary to this act, shall forfeit the sum of twenty pounds to the party grieved, to be recovered with full costs of suit, in any of his Majesty's courts of record at *Westminster*.

Penalty.

Treasury to pay the charges of this act out of the duties,

XXXVIII. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized out of the said several subsidies, rates, and duties by this act granted and appropriated as aforesaid, to discharge all such incident charges, as shall necessarily attend the execution of this act, in such manner, as to them shall seem just and reasonable; and also to settle and appoint such allowances, out of the contributions to the annuities granted by this act as aforesaid, as they shall think just and reasonable, for the service, pains, and labour of the cashier or cashiers of the governor and company of the bank of *England*, for receiving and accounting for the said contributions; and also such further allowances (out of the said subsidies, rates, and duties by this act appropriated) as they shall think just and reasonable, for receiving, paying, and accounting for, the several and respective annuities, payable in respect thereof; and also for the service, pains, and labour of the accomptant general of the said governor and company, for performing the duty and trust incumbent on him by this act; all which allowances hereby impowered to be made as aforesaid, in respect of the service, pains, and labour of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

and appoint salaries for the cashiers and other officers,

Deficiencies to be made good.

XXXIX. And it is hereby enacted by the authority aforesaid, That if at any time or times the produce of the said several subsidies, rates, and duties shall happen to be so low or deficient as that the monies arising therefrom into the exchequer,

shall not be sufficient to pay and discharge the several and respective annuities, and other charges directed to be paid thereout, at any or either of the respective half-yearly days of payment, at which the same are hereby directed to be paid, then, and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of the overplus monies, that shall or may happen to arise and be paid into the exchequer in any of the subsequent half years, as the said respective annuities shall, from time to time, become due and payable; and in case such overplus monies shall not be sufficient to satisfy the deficiencies hereby intended from time to time to be paid thereout, that then, and in every such case, the deficiencies so from time to time happening, shall, from time to time, be answered and made good by and out of the first supplies which shall be granted in parliament next after such deficiencies shall appear; and in case no such supplies shall be granted within six months next after such deficiencies shall happen, then the same shall be made good out of any of the monies which at any time or times shall be or remain in the receipt of the exchequer, of the surplusses, excesses, or overplus monies, commonly called *The sinking fund*, (except such monies of the same sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be from time to time issued and applied accordingly; and if at any time or times before any monies of the said subsidies, rates, and duties hereby granted shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the several annuities aforesaid, which shall be actually incurred and grown due at any of the said half-yearly days of payment before mentioned, that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the said sinking fund (except as before excepted) and be issued accordingly.

Sinking fund to be replaced.

XL. Provided always, and be it enacted by the authority aforesaid, That whatsoever monies shall be so issued out of the said sinking fund, shall from time to time be replaced by and out of the first supplies, to be then after granted in parliament.

Surplus monies how to be applied.

XLI. Provided always, and be it enacted by the authority aforesaid, That in case there shall be any surplus or remainder of the monies arising by the said several subsidies, rates, and duties, after the said several and respective annuities, and other payments or charges by this act directed to be paid thereout, and all arrears thereof are satisfied, or money sufficient shall be reserved for that purpose, such surplus or remainder shall, from time to time, be reserved for the disposition of parliament, and shall not be issued but by the authority of parliament, and as shall be directed by any future act or acts of parliament; any thing in this, or any former or other act or acts of parliament notwithstanding.

Clause of redemption.

XLII. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon one year's notice to be printed

printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament, at any of the half-yearly feast days, for payment of the said several and respective annuities, and upon repayment by parliament, of the principal sum of six millions three hundred thousand pounds, and also upon payment of the said additional capital of six hundred and thirty thousand pounds, amounting together to the principal sum of six millions nine hundred and thirty thousand pounds, for which the said respective annuities are payable to such respective persons or corporations, as shall be intitled to the same annuities, and also upon full payment of all arrearages of the same annuities; then, and not till then, the said respective annuities shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the said several subsidies, rates, and duties by this act granted as aforesaid, shall not be issued or applied to any use or purpose, but as shall be directed by any future act or acts of parliament; any thing in this, or any former act or acts of parliament to the contrary notwithstanding; and that any vote or resolution of the house of commons signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed on the *Royal Exchange* of *London* as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

XLIII. And it is hereby enacted by the authority aforesaid, That if any person or persons shall be sued, molested, and prosecuted for any thing done by virtue or in pursuance of this act, or any the clauses therein contained, such person or persons shall and may plead the general issue, and give this act, and the special matter in evidence for his or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgement shall be given him or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs. General issue. Treble costs.

## CAP. III.

*An act to revive and make perpetual two acts of parliament, one made in the twelfth year of the reign of his late majesty King* George *the First, intituled,* An act to prevent frivolous and vexatious arrests; *and the other made in the fifth year of his present Majesty's reign, to explain, amend, and render more effectual the said act.*

WHEREAS *great benefit hath accrued to this kingdom by an act of parliament, passed in the twelfth year of the reign of his late majesty King* George *the First, intituled,* An act to prevent frivolous and vexatious arrests, *which was to continue in force from the twenty fourth day of* June, *one thousand seven hundred and twenty six, for the term of five years, and from thence to the end of the then next session of parliament; and which by another act made in the fifth year of his present Majesty's reign, was explained,* 12 Geo. 1. c. 29. 5 Geo. 2. c. 27.

*amended, and rendered more effectual, and further continued for the term of seven years, and from thence to the end of the then next session of parliament; which said act, so amended and explained, was, by a clause in an act made in the thirteenth year of the reign of his present Majesty, continued until the first day of* June, *one thousand seven hundred and forty seven; which said act so passed in the twelfth year of his said late Majesty's reign, and also the said act for explaining and amending the same, passed in the fifth year of his present Majesty's reign, are now expired*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That the said act passed in the twelfth year of his late Majesty's reign, together with the said act which passed in the fifth year of his present Majesty's reign, explaining, amending, and rendering more effectual the same, shall be, and are by virtue of this act revived, and shall be in force, from and after the fourteenth day of *February*, one thousand seven hundred and forty seven, for ever.

The said acts revived, and made perpetual.

## CAP. IV.

An act to prohibit assurance on ships belonging to France, and on merchandizes or effects laden thereon, during the present war with France.

Assurance on ships or merchandizes belonging to France, prohibited during the present war; and contracts for such policies declared void. 500l. penalty on persons making assurance on French ships or effects. Exp.

## CAP. V.

An act for repairing the high road from the town of Bowes, in the county of York, to Barnard Castle, in the county of Durham, and from thence through Staindrop to Newgate in Bishop Aukland, and from Newgate along Gibb Chair to Gaundless Bridge, and from thence by Melderston Gill, otherwise Coundon Gill, to the turnpike road near Sunderland Bridge, in the county of Durham.

*Certain tolls granted for 21 years, &c.*

## CAP. VI.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. Exp.

## CAP. VII.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and forty eight. EXP. *At 4s. in the pound.*

## CAP. VIII.

An act for impowering George Montgomerie, and Thomas Byrd, esquires, and Ezra Patching, to complete an undertaking, for furnishing the inhabitants of the several parishes and places of Stratford, Westham, Bromley, Bow, Mile-End, Stepney, and other parishes and places adjacent with water; and for better securing their property in such undertaking.

## CAP. IX.

An act to indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law; and for allowing further time for that purpose. EXP.

Further time to 28 Nov. 1748, allowed to persons who have omitted to qualify themselves. None to be restored to places already avoided by judgement, or filled up.

CAP.

## CAP. X.

*An act for explaining, amending, and further enforcing the execution of an act passed in the last session of parliament, intituled,* An act for repealing several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights, and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties.

WHEREAS *by an act of parliament made and passed in the twentieth year of the reign of his present Majesty, (intituled,* An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties) *it was enacted, That there should be charged, raised, levied, and paid unto his Majesty, his heirs and successors, the several rates and duties upon houses, windows, or lights, in the said act mentioned; and divers provisions were made, and directions given by the said act, for the assessing, raising, collecting, levying, and paying of the several rates and duties thereby granted: and whereas doubts have arisen concerning the construction of the said act; and the provisions made thereby for the assessing, charging, raising, and paying of the said rates and duties have proved ineffectual to answer the purposes intended by the said act; and the times appointed by the said act for hearing and determining of appeals have been found to be inconvenient:* therefore, for the obviating and removing of all doubts, and to the end that the said rates and duties may for the future be rated, assessed, and raised in one uniform and equal manner throughout *Great Britain*; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *March*, one thousand seven hundred and forty eight, every kitchen, scullery, buttery, pantry, larder, washhouse, laundry, bakehouse, brewhouse, and lodging-room belonging to, or occupied with any dwelling-house, whether the same shall or shall not be within, or contiguous to, or disjoined from the body of such dwelling-house, shall be deemed and taken to be part of such dwelling-house; and all windows or lights therein shall be accordingly charged with the rates and duties granted by the said act.

20 Geo. 2. c. 3.

Windows in houses contiguous to, or disjoined from the dwelling-house, to be charged.

II. *And whereas doubts have been raised, whether sky-lights, or windows or lights in stair-cases, garrets, cellars, passages, and some other parts of dwelling-houses, are chargeable with the said tax, by virtue of the said act*; be it declared and enacted by the authority aforesaid, That sky-lights, and windows or lights in the said places,

Sky lights to be charged.

places, and in all other parts of dwelling-houses, to what use or purpose soever applied, were, are, and shall be deemed to be chargeable with the said duties.

Penalty on commissioners acting, who are not qualified.

III. And be it further enacted by the authority aforesaid, That no person who now is, or hereafter shall be named or appointed a commissioner for putting in execution any act of parliament for granting an aid to his Majesty by a land tax to be raised in *Great Britain*, shall act as a commissioner for putting in execution the powers granted by the said act, or this present act, for raising the said duties upon houses, windows, or lights, unless such person shall be duly qualified to act as a commissioner for putting any such act in execution, on pain of forfeiting, for every such acting, the sum of twenty pounds, to be levied as other penalties and forfeitures are by this act directed to be levied.

20 Geo. 2. c. 3. s. 8. Power given to the commissioners to enlarge or abate the assessments, repealed.

IV. And be it further enacted by the authority aforesaid, That that part of the said act, whereby the commissioners thereby appointed for putting the same in execution have power to enlarge, alter, abate, or diminish the assessments to be delivered to the said commissioners, before such commissioners shall have set their hands to such respective assessments, testifying their allowance thereof, shall be, and the same is hereby repealed.

Assessments delivered to the commissioners not to be altered, but upon hearing on a general appeal-day.

V. And be it further enacted, That from and after the said twenty fifth day of *March*, one thousand seven hundred and forty eight, no assessment which shall be made or delivered to the said commissioners, or any three or more of them, pursuant to the said act, or this present act, shall be altered or diminished before the time herein after appointed, or directed to be appointed, for the hearing and determining of appeals, and then only upon the said commissioners hearing the matter of the appeal particularly relating thereto, or concerning the same, upon a general appeal-day.

Surveyors to certify, by way of surcharge, houses and windows omitted in the current year.

VI. And be it further enacted by the authority aforesaid, That the surveyor or surveyors of the rates and duties granted by the said act, appointed or to be appointed, as in the said act is mentioned, shall twice in every year, to wit, on or before the tenth day of *August*, and tenth day of *January* yearly, certify in writing, under his or their hand or hands, by way of surcharge, to any three or more of the said commissioners, what dwelling-houses, windows, or lights have been omitted to be charged with the said rates and duties in the assessment made of the same, for the then current year; and that thereupon, and upon oath being first made, that notice was left in writing at the dwelling-houses of the several occupiers so charged or surcharged by virtue of such certificate, that the surveyors intended to charge them in such manner, and for such number of windows or lights as they shall be charged for by virtue of such certificate, the said commissioners, or any three or more of them, shall cause such assessments to be rectified according to such certificate, and deliver-

Notice to be given to the occupiers, and the commissioners to rectify the assessments.

ed

ed to the collectors; and the said rates and duties to be levied accordingly.

VII. And be it further enacted by the authority aforesaid, That those parts of the said act whereby it is enacted, That the day or days of appeal which should be appointed by the said commissioners, should be within thirty days from the respective quarterly days, by the said act appointed for payment of the said rates and duties; and that all appeals once heard and determined by the said commissioners, or any three or more of them, or the major part of them then present, on the day or days by them appointed for hearing appeals, should be final without any further appeal; and that all questions and differences that should arise, touching any of the said rates and duties, should be heard and finally determined by three or more of the commissioners, upon complaint thereof to them made by any person or persons thereby grieved, without further trouble or suit in law, shall be, and the same are hereby repealed; and that from and after the said twenty fifth day of *March*, one thousand seven hundred and forty eight, all such appeals as shall be made to the said commissioners, between the twenty fifth day of *March*, and the twentieth day of *August* yearly, shall be heard and determined by the said commissioners upon such days as shall by them be appointed for the hearing of such appeals, between the twentieth day of *August*, and the fifteenth day of *September* following; and that all such other appeals as shall be made to the said commissioners, between the twenty ninth day of *September*, and the twentieth day of *January* following yearly, shall be heard and determined by the said commissioners, upon such other days as shall be appointed by the said commissioners for the hearing thereof, between the twentieth day of *January*, and the tenth day of *February* following yearly.

Clauses in the act relating to a certain time for appealing, repealed. 20 Geo. 2. c. 3. s. 11.

Commissioners to appoint days for appeals.

VIII. And be it further enacted by the authority aforesaid, That the said commissioners, or any of them, shall not upon the hearing of any appeal, make any abatement or defalcation in the charge or surcharge made upon any person by the said assessment, or the surcharge of the said surveyor, but the same shall stand good and remain part of the annual assessment, unless it shall then appear to the said commissioners, by examination upon oath, that such person is over-rated in and by the said assessment, or the said surcharge; and every person intending to appeal to the said commissioners shall, and is hereby required to give at the least ten days notice thereof in writing to the said surveyor, or to one or more of the assessors of the parish wherein such person is rated, of such intention to appeal; and such surveyor and assessors may then and there attend to justify the said assessment and surcharge; and such surveyor and assessors, and appellant, unless they misbehave, shall have full and free liberty to be present during all the time of hearing such respective appeal, and of the said commissioners determining the same.

No abatement to be made, unless it appears on oath that the person is over-rated.

Ten days notice to be given of appeals.

Assessors and appellant to be present.

IX. And be it further enacted by the authority aforesaid, That

Appeals heard to be final.

That all appeals once heard and determined by the said commissioners, or any three or more of them, or the major part of them then present on the day or days by them appointed for hearing of appeals, shall be final, except as is herein after directed.

Exception.

Surveyor or appellant in England dissatisfied,

X. And be it further enacted by the authority aforesaid, That if either the said surveyor, or the person so appealing in that part of *Great Britain* called *England*, or in *Wales*, or in *Berwick upon Tweed*, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this and the said former act, and shall then declare himself dissatisfied with such determination, it shall and may be lawful to and for such surveyor, or person respectively, to require the said commissioners to state specially and sign the case upon which the question arose, together with their determination thereupon; which case the said commissioners, or the major part of them then present, are hereby required to state and sign accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him transmitted to one of the justices of the court of *King's Bench* or *Common Pleas*, or to one of the barons of the coif of the *Exchequer* for the time being; and every such justice and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon subscribed thereto, according to which opinion so certified the assessment which shall have been the cause of such appeal shall be altered or confirmed; and that if either the said surveyor, or the person so appealing in that part of *Great Britain* called *Scotland*, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this and the said former act, and shall then declare himself dissatisfied with such determination, it shall and may be lawful to and for such surveyor, or person dissatisfied respectively, to require the said commissioners, or the major part of them then present, to state specially and sign the case upon which the question arose, together with their determination thereupon; which case the said commissioners are hereby required to state and sign accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him transmitted to one of the judges of the court of session, or of the barons of the exchequer in *Scotland*; and every such judge and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon subscribed thereto, according to which opinion so certified the assessment which shall have been the cause of such appeal shall be altered or confirmed: provided always, That notwithstanding any such case so transmitted to any of the said justices, judges, or barons, the determination of the said commissioners shall stand with respect to the payments which shall become due precedent to the opinion certified by any such justice, judge, or baron, upon such case.

the commissioners to state the case to be transmitted to one of the judges,

who is to give his opinion, and the assessment to be regulated thereby.

Surveyor or appellant in Scotland dissatisfied, to proceed in like manner, &c.

Determination of the commissioners to stand with respect to payments due.

XI. *And whereas, in order to evade the payment of the duties upon windows*

*windows or lights, several windows or lights in several dwelling-houses have been fraudulently, and not effectually stopped up*; be it therefore enacted by the authority aforesaid, That no window or light shall be deemed to be stopped up, unless such window or light shall be stopped up effectually with stone, or brick, or plaister upon lath, or upon any other materials commonly used to plaister upon, or with the same kind of materials whereof the outside of such dwelling-house doth chiefly consist.

Regulations concerning the stopping windows.

XII. Provided always, That nothing in this act shall be construed to extend to any windows which were really and *bona fide* stopped up with any materials whatsoever before the making of the said act of the last session of parliament; any thing herein contained to the contrary notwithstanding.

Proviso for windows stopped before the act.

XIII. And be it further enacted by the authority aforesaid, That the payment of any of the rates and duties granted by the said act, by any occupier or occupiers of any dwelling-house or houses in any parish or place, shall not entitle the person or persons so paying such rates or duties to a legal settlement in such parish or place.

None to gain a settlement by payment of these duties.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time hereafter wilfully obstruct or molest any assessor or assessors, surveyor or surveyors, in the due execution of his or their said office or offices, duty or duties respectively, such person or persons shall, for every such offence, forfeit the sum of five pounds, to be levied in such manner as the rates and duties granted by the said act are directed to be levied.

Penalty of obstructing officers.

XV. And be it further enacted, That all fines, penalties, and forfeitures, which shall be levied by warrant under the hands and seals of three or more of the commissioners appointed by the said act, or by this present act, pursuant to the directions of and in the said act, or of this present act (save only and except one moiety of such fines, penalties, and forfeitures, as shall be imposed and levied for and in respect of the opening of any window or light, after the same is stopped up, without giving such notice as is required by the said act, which shall be paid to the person who shall give notice or information of the opening such window or light) shall be respectively paid to the collector or collectors of the parish or place within which the same shall be so levied; and the same shall be respectively added to the respective assessments of the said rates and duties, within, or for such parish or place respectively delivered or to be delivered to the collectors, and also to the duplicates, within, or for the same parish or place, and be given in charge to the respective receivers general, and be paid to them respectively, together with and amongst the said rates and duties, and be paid into the receipt of his Majesty's exchequer.

Fines, &c. levied by warrant to be paid to the collectors; except the moiety due to the informer; and to be added to the assessments, &c.

XVI. And be it further enacted by the authority aforesaid, That that part of the said act, whereby the commissioners thereby appointed for putting the same in execution, have power of rating and assessing any other commissioners or assessors, who reside

Clause relating to the powers given to commissioners to assess one an-

other repealed. 20 Geo. 2. c. 3. s. 18.

side or dwell in the respective divisions, for which they act for, or in respect of the said duties on houses, windows, or lights thereby granted, shall be, and the same is hereby repealed; and that from and after the said twenty fifth day of *March*, one thousand seven hundred and forty eight, the several commissioners and assessors residing in any county, shire, stewartry, or other place, shall be assessed for such rates and duties, by the assessors appointed for the respective place or places wherein such commissioners and assessors reside, in the same manner as any other persons residing there are rated or assessed; any thing in this or the said former act to the contrary in any wise notwithstanding.

Commissioners to be rated by the assessors.

XVII. *And whereas it may happen, that several arrears of the said duties upon houses, windows, or lights, granted by the said former acts, may from time to time remain unsatisfied and unpaid, which ought to have been levied and paid at the times and in the manner by the said acts directed*; be it therefore enacted and declared by the authority aforesaid, That in all such cases, it shall and may be lawful to and for the respective persons, who are or shall be nominated or appointed commissioners for putting the said former and this present act in execution for the time being (being duly sworn and qualified as aforesaid in that behalf) or so many of them as are thereby impowered to cause the said respective duties to be assessed, levied, and paid, to cause the monies, so from time to time in arrear and unpaid as aforesaid, to be raised, levied, and collected by the respective collectors of the several parishes or places, shires or boroughs, where such arrears shall happen, by the same ways and means, and in the same manner, and under the like penalties, as are directed and appointed by the said former or this present act, with respect to the raising or levying the said duties; and the monies so received by the said collectors for any such arrears, shall be paid to the respective receivers general where such arrears shall happen, to the end the same may be paid into the receipt of his Majesty's exchequer, for the purposes in the said acts mentioned.

Commissioners to cause arrears to be levied.

XVIII. *And whereas doubts have arisen, in what manner the said duties should be rated and paid within the several inns of court and chancery*, be it further enacted and declared, That every inhabitant, or occupier of any chamber in the said inns of court or chancery, shall be rated and pay for every window or light in his chamber the sum of one shilling.

Windows in the inns of court how to be rated.

XIX. Provided always, That no inhabitant or occupier of any such chamber shall be compelled to pay, or to contribute towards the payment of the duty of two shillings, charged by the said act, and made payable by the inhabitant or occupier of a dwelling-house inhabited.

Persons renting chambers, not chargeable to the duty of 2 s.

XX. And be it further enacted by the authority aforesaid, That if any action, plaint, suit, or information, shall be brought, commenced, or prosecuted against any commissioner or commissioners, assessor or assessors, collector or collectors, surveyor or surveyors, or other person or persons, for or concerning any act, matter, or thing, that he, they, or any of them, shall do or cause to be done, in

Officers, &c. sued, may plead the.

in pursuance or execution of the said act, or of this present act, in *England*, *Wales*, or *Berwick* upon *Tweed*, such person or persons so sued in any court whatsoever, shall and may plead the general issue, not guilty, and upon issue joined, may give the said act, and this present act, and the special matter in evidence; and if the plaintiff shall become nonsuit, or forbear further prosecution, or suffer a discontinuance; or if a verdict pass against him, the defendants shall recover treble costs, for which they shall have the like remedy, as in cases where costs by law are given to defendants.

General issue.

Treble costs.

XXI. *And whereas it hath been found by experience, that the powers granted by the said act for charging, raising, levying, and collecting of the duties aforesaid upon the windows or lights liable to the same in that part of* Great Britain, *called* Scotland, *have been ineffectual*; be it further enacted by the authority aforesaid, That the surveyor or surveyors, appointed or to be appointed as by the said act is directed, shall have power, twice in the year, to enter into, and pass through any house or houses, within any city or royal burgh in *Scotland*, and view the same internally as well as externally, and to view any other house or houses in *Scotland* externally, and in like manner, as surveyors are impowered to view houses by the said act, for the purposes in the said act mentioned; any thing therein contained to the contrary notwithstanding.

Power to surveyors in Scotland for viewing of houses.

XXII. And be it further enacted, That the said rates and duties, by the said act granted as aforesaid, with respect to lights or windows of dwelling-houses in *Scotland*, liable for the same, shall be paid by the inhabitants or occupiers for the time being, of the respective dwelling-houses in which such lights or windows are contained, his, her, or their heirs or executors respectively, half-yearly, at the days of payment following; that is to say, the twenty ninth day of *September*, and twenty fifth day of *March*, by even and equal portions, the first payment thereupon to be made the twenty ninth day of *September*, which shall be in the year of our Lord one thousand seven hundred and forty eight, for the half year, commencing from the term of *Whitsunday*, and ending at the term of *Martinmas* in the said year; and the second payment to be made the twenty fifth day of *March* aforesaid, which shall be in the year one thousand seven hundred and forty nine, for the half year, commencing from the said term of *Martinmas*, one thousand seven hundred and forty eight, and ending at the term of *Whitsunday*, in the year one thousand seven hundred and forty-nine, and so on half-yearly thereafter.

The rates in Scotland to be paid half-yearly.

XXIII. And be it further enacted, That for the execution of the said act with regard to *Scotland*, and for the charging, ordering, raising, collecting, levying, and paying of the several rates and duties by the said act granted, and chargeable for or in respect of the windows or lights of any dwelling-house there, all and every the persons named or appointed to be commissioners for putting in execution an act of this present session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax*,

Commissioners for the land tax in Scotland, to be commissioners for this act.

*tax, to be raised in* Great Britain, *for the service of the year one thousand seven hundred and forty eight*, or who shall hereafter be named or appointed commissioners for putting in execution any future act or acts of parliament, for granting an aid to his majesty, his heirs or successors, by a land tax in *Great Britain*, in and for the several shires, stewartries, cities, or boroughs in *Scotland*, being duly qualified as aforesaid, shall be commissioners for putting in execution this present act, and the powers therein contained, within and for the respective shires, stewartries, cities, or boroughs within *Scotland*, for which they severally are or shall be named and appointed commissioners of the land tax as aforesaid; which said commissioners, in order to the speedy execution of this act, shall meet together at the most common or usual place of their meeting as commissioners of the land tax, within their respective shires, stewartries, cities or boroughs, on or before the first *Wednesday* of *July*, one thousand seven hundred and forty eight, for charging and ordering the first of the two half-yearly payments before-mentioned, and on or before the first *Wednesday* of *January* next thereafter, for charging and ordering the second of the said half-yearly payments before-mentioned, and in like manner shall meet yearly and every year on the first *Wednesday* of each of the said two months of *July* and *January*, for the charging and ordering of the payments for the half-year, current at and on the said respective days; and the said commissioners, or so many of them as shall be present at any of the meetings to be held on the said stated days, shall direct their precept or precepts (under the hand of such one of them, as shall, by the major part of those met, be elected preses of the meeting) to such inhabitants of every parish, within their several shires, stewartries, cities, or boroughs, and such number of them as the major part of the commissioners so met shall in their discretions think most convenient to be assessors, to the effect aftermentioned, requiring them to appear before the said commissioners in their said usual place of meeting, at a day to be specified in the said precept or precepts, which shall not exceed ten days, from the stated day of meeting aforesaid; and at and on the day so prefixed, the said commissioners shall again meet, and shall then openly read or cause to be read to the inhabitants of each parish, required to appear as aforesaid, or such of them as shall appear, the several rates and duties in the said act, and openly declare the effect of their charge unto them, and how or in what manner they ought and should make their certificates and assessments according to the several rates aforesaid, and shall then and there administer an oath to the said inhabitants, or such of them as shall be there present, and shall be appointed assessors by the said commissioners, for the due and faithful administration of their said office, and prefix another day, not exceeding fifteen days longer, for the said persons to appear again before the said commissioners, and the said persons shall then appear accordingly, and bring in their certificates in writing under their hands, of every dwelling-house, inhabited and charged by the afore-

Times and places of meeting.

Assessors to be sworn.

Days to be prefixed for bringing in certificates.

aforesaid act, within the limits of those parishes for which they severally act, and of the number of windows or lights in each house, together with the names of the several occupiers or inhabitants of each respective dwelling-house aforesaid, and of the several sums of money which they ought to pay by virtue of the said act, without concealment or favour, upon pain of forfeiture of any sum, not exceeding five pounds, nor less than forty shillings, sterling money, to be levied as by this act is appointed; and that the said commissioners, or the major part of them as shall be present, shall, upon the day appointed for the first general meeting of the commissioners of shires and stewartries, cities and boroughs, for the land tax, granted for the service of the year, one thousand seven hundred and forty eight, by the act of this present session of parliament before-mentioned, and so on such day as shall be appointed for the first general meeting of the said commissioners for the land tax, to be granted for the service of any subsequent year by any future act or acts of parliament, granting an aid to his Majesty by a land tax, elect and chuse some one fit person to be collector of the said rates and duties arising within the shire, stewartry, city, or borough for which the said commissioners are commissioners, and shall take bond with sufficient caution from him, for his due and faithful administration of his said office, and for his duly paying over at *Edinburgh* the rates or duties and other sums to be by him collected by virtue of the said act, or this present act, within forty days after the terms before-mentioned, appointed for payment thereof, unto such person as shall, from time to time, be appointed by his Majesty, or the commissioners of the treasury now or for the time being, or any three or more of them, or by the high treasurer for the time being, to be receiver general of the said rates or duties arising from windows or lights within *Scotland*, under a penalty of one hundred pounds sterling, to be forfeited in case of failure in the due and faithful administration of his office, or in the due payment of the monies to be received by him, which bond the commissioners taking the same, shall cause to be forthwith registered in the books of council and session, and deliver an extract thereof to the receiver general to be appointed as aforesaid, and the said receiver general shall pay so much of the said rates and duties, and sums, as he shall receive from every such collector (with deduction of his own allowance in respect thereof) into the receipt of his Majesty's exchequer at *Westminster*, by half-yearly payments on the several days herein before appointed for payment thereof, or within forty days after.

Collectors to be appointed;

who are to give security.

Penalty.

Bond to be registered, and an extract given to the receiver general, &c.

XXIV. And be it further enacted, That the collector to be elected for each shire, stewartry, city, or borough as aforesaid, shall, within the space of six days after delivery of the copy to him aforesaid, of the said assessments for the same, deliver, or cause to be delivered, to some one of the persons who were appointed assessors for each parish, within such shire, stewartry, city, or borough, a copy under his hand, of the said assessment

Collector to give a copy of the assessment to the parish assessor, and an order, thereon, &c.

for such parish, with an order thereon for such assessors delivering a note of the sum assessed upon or for every dwelling-house charged within such parish, to some person within the said dwelling-house, in case access can be had, or affixing such note on the door of such dwelling-house; and the assessor to whom such copy and order shall be delivered, shall, within six days after receipt thereof, make notification as aforesaid, thereupon, and return the said copy and order to the collector from whom he received the same, with a certificate upon oath before one of the commissioners aforesaid, that he did notify the same in the form prescribed by this act.

Assessor to return the copy, &c.

XXV. And be it further enacted, That every person and persons liable to and charged with any of the rates or duties before-mentioned, for or in respect of any dwelling house in *Scotland*, shall be obliged, and is hereby required to make payment of the sum which shall be assessed upon him, her, or them, to the collector of the shire, stewartry, city, borough, or parish, where such dwelling-house lies, at his office, within such city, borough, or parish, or within the head burgh of such shire or stewartry respectively, within the space of ten days after notification shall have been made to him, her, or them, in the manner herein prescribed, of such sum, upon pain of forfeiting treble the sum, in case he or she fail to make the said payment within the said time; and in such case, it shall and may be lawful to and for any commissioner aforesaid, for any shire, stewartry, city, or borough, and every such commissioner is hereby required, upon the application of the collector of the rates and duties aforesaid, for such shire, stewartry, city, or borough, and inspection had of the assessors certificate of notification, to issue and grant a warrant or warrants under his hand, for the said collectors poinding or distraining the goods and effects of any person or persons mentioned in such certificate, and who shall not have paid the sum therein assessed upon him, her, or them, or any moveable goods or effects, being for the time within the dwelling-house, for the windows of which such sum shall happen to be assessed and due, for payment of the said forfeiture; and the said collector shall be, and is hereby impowered to cause poind or distrain accordingly, and the goods so poinded or distrained to keep by the space of four days, at the costs and charges of the owners thereof; and if the said owners do not pay the respective sums of money, for which such warrant of poinding or distress was granted, within the said four days, then the said goods shall be appraised at, and in the place where they are, by two or more persons, to be called and sworn for that purpose, and shall be sold for payment of the said sums of money, and the charges of taking and keeping the poind and distress, and the overplus coming by such sale (if any be) to be immediately restored to the owner; and where no goods sufficient for payment of the said sums can or may be found, to be poinded or distrained, and the person liable, shall neglect or refuse to pay the same, in every such case any one of the commissioners aforesaid,

Penalty of not paying the duties, &c. within ten days after notification.

Commissioners to issue warrants for levying the duties.

Collectors to distrain,

and make sale,

For want of distress, the person to be committed.

said, shall be, and hereby is authorized and required, by warrant under his hand, to commit such person to the common gaol, there to be kept without bail, until payment shall be made; and in case any such collector in that part of *Great Britain* called *Scotland*, shall not make payment of the said sums to be received by him, in terms of his bond aforesaid, to the receiver general to be appointed as aforesaid, diligence shall and may proceed by horning, arrestment, poinding, denunciation, caption, imprisonment, and otherwise, upon such bond, against such collector and his cautioners, at the suit of the said receiver general, for payment of the whole sums assessed upon the shire, stewartry, city, or borough, for which he is collector, in so far as they have not been paid unto the said receiver general, and of the penalty in such bond, subject to such relief and modification in law or equity, as shall be awarded and granted by the lord chief baron of his Majesty's exchequer in *Scotland*, or by any two of the said barons, upon summary application to be made to them by such collector, and giving notice to, and hearing the said receiver general on behalf of his Majesty.

Collectors not making payment to be sued, &c.

XXVI. And, for obviating doubts which may arise about the charging of windows or lights, and the persons liable in payment of the rates and duties for the same, in *Scotland*, within the meaning of the aforesaid act, and of this present act; be it enacted by the authority aforesaid, That every person and persons occupying any dwelling-house in any edifice or land, within any county, stewartry, city, borough, town, or place respectively, within that part of *Great Britain* called *Scotland*, having more than nine windows, whether such dwelling-house be in a separate building, and under a distinct and separate roof, or be part of any edifice, land, or building, and under the same roof with other dwelling-houses, and which dwelling-house any persons shall have been in possession of, at any time after the term of *Whitsunday* or *Martinmas*, immediately preceeding any of the half-yearly days, appointed for the payment of the said rates and duties, shall be deemed and taken to be the occupier or occupiers, and tenant or tenants of such house, to all intents and purposes, as if such dwelling-house was a separate building, and under a distinct and separate roof.

Method of charging the duties in Scotland.

XXVII. And be it further enacted, That in case the commissioners hereby appointed for putting the said act in execution, with regard to *Scotland*, shall refuse or neglect to issue their precept or precepts, under the hand of such one of them, as shall, by the major part of those met, be elected preses of the meeting, to such inhabitants of every parish, within their several shires, stewartries, cities, or boroughs, and such number of them, as the major part of the commissioners so met, shall, in their discretions, think most convenient to be assessors as aforesaid, requiring them to appear before the said commissioners as herein before is mentioned; or if the persons who shall be so required to appear, shall refuse or neglect to appear as is herein before directed, or if the persons who shall be appointed assessors

Commissioners and assessors neglecting their duty,

sors by the said commissioners, as herein before is mentioned, shall fail or neglect to bring in their certificates in writing, under their hands, of every dwelling-house inhabited or charged by the said act, within the limits of those parishes in which they shall severally be appointed to act, and of the number of windows or lights in each house, with the names of the several occupiers or inhabitants of each respective dwelling-house, and of the sums of money which they ought to pay by virtue of the said act, as aforesaid; or if the said commissioners, or the major part of them, who shall be present upon the day appointed for the first general meeting of the commissioners of shires, and stewartries, cities and boroughs, for the land tax, granted for the service of the year one thousand seven hundred and forty eight, or on such days, as shall be appointed for the first general meeting of the commissioners of the land tax, to be granted for the service of any subsequent year, by any future act or acts of parliament, shall fail or neglect to elect and chuse some fit person to be collector of the said rates and duties as aforesaid, or take such bond, with sufficient caution from him, for his due execution of the said office, and for other purposes herein before directed, that then, and in such case, it shall and may be lawful to and for the said surveyor or surveyors, to make a certificate in writing, under their respective hands, of every dwelling-house inhabited or charged by the said act, within the limits of those parishes in which they severally act, and of the number of windows or lights in each house, with the names of the several occupiers or inhabitants of each respective dwelling-house, and of the sums of money which they ought to pay by virtue of the said act as aforesaid, and to return such certificates to the surveyors general of the said rates and duties at *Edinburgh*, who are forthwith to deliver the same to the barons of the court of exchequer in *Scotland*; and that it shall and may be lawful to and for the said barons, or any two of them, to appoint collectors for collecting the said rates and duties as aforesaid, within such respective places, and that the collectors so to be appointed by two of the said barons as aforesaid, shall have the same power to collect, receive, and recover the said rates and duties, as such collectors would have had in case they had been appointed to be collectors by the said commissioners as aforesaid; and that the said barons of the exchequer in *Scotland* shall have all such and the same powers to act in and about the collecting, recovering, getting in, receiving, and paying of the said rates and duties upon houses, as are given to the said commissioners by the said former act, or this present act, so that the said rates and duties may be fully and effectually raised and paid, according to the true intent and meaning of the said recited act, and of this present act.

the surveyors to return certificates to the surveyors general, &c.

The barons to appoint collectors.

Forfeitures to whom payable,

XXVIII. And be it further enacted, That all penalties and forfeitures to be incurred for any offences against this act, in that part of *Great Britain* called *Scotland* (other than those to be incurred by any collector) shall be and be made payable to the collector

collector of the shire, stewartry, city, or borough, within which the same shall be incurred; and all penalties and forfeitures to be incurred by any person for any offence against this act, for levying of which there is no particular way herein before prescribed or appointed, shall be levied by warrant under the hands of three or more commissioners of supply for such shire, stewartry, city, or borough, by poynding and distraining, and sale of the offender's goods, rendering the overplus to the owner thereof, after deduction of reasonable charges for distraining the same; and that the collector of every shire, stewartry, city, or borough, shall keep an exact account of all fines, forfeitures, and sums of money which he shall happen to levy in force of this act, other than and beside the single rates and duties to be contained in the assessment to be delivered to him signed by the commissioners as aforesaid, separate and distinct from his account of the said single rates and duties, and shall lay such account before the commissioners aforesaid half-yearly, at the time of their stated half-yearly meetings as aforesaid; which said commissioners, or the major part of them, shall have power to deduct and allow to such collector, such part of the sums charged in his separate account, as to them shall seem meet, for answering and defraying the expence of levying the same, or such other incidental expences as may accrue and arise in the execution of this act, and are not thereby provided for: and the said commissioners shall cause to be transmitted certificates of the ballance remaining due on every such account, to the offices of the King's remembrancer in the exchequer in *Scotland*, and of the receiver general to be appointed for the rates and duties aforesaid at *Edinburgh*, to the end that such ballance may be made a charge upon such collector; and such collector shall be obliged, and may be compelled, to pay the ballance so certified, to the said receiver general; and the said receiver general shall be obliged to pay the same into the receipt of his Majesty's exchequer at *Westminster*, in the same manner as is herein before provided with respect to the aforesaid rates and duties.

and how to be recovered.

Account to be kept of the forfeitures, &c.

Allowance to be made to collectors.

Certificates of the ballance to be transmitted to the exchequer.

Receiver general to pay the monies into the exchequer at Westminster.

## CAP. XI.

*An act for further regulating the proceedings upon courts-martial in the sea service; and for extending the discipline of the navy to the crews of his Majesty's ships, wrecked, lost, or taken; and for continuing to them their wages upon certain conditions.* Rep. 22. Geo. 2. c. 33.

WHEREAS *several laws heretofore made, relating to courts-martial in the sea service, have not proved effectual to answer the ends thereby proposed, therefore for remedying and supplying the said defects, and for maintaining a proper and strict government and discipline in his Majesty's navy*; be it enacted, *&c.*

The officer upon whom the command of a fleet, &c. shall devolve, impowered to hold courts-martial. The officer next in command, to preside.

side. The commander in chief to impower the commander of a squadron, ordered on separate service, to hold courts-martial. Where five or more ships meet in foreign parts, the senior captain to hold courts-martial, and preside. Where it shall be improper for the officer next in command to preside, the third officer to be appointed. Admiralty impowered to direct what officer shall hold courts-martial in any port in Great Britain or Ireland. No court-martial to consist of more than 9 or less than 5. Where there are not more than 3 captains to be had, other commanders to be called in. No member of the court to go on shore, till sentence given. Officers constituting a court-martial to take an oath. The judge advocate to take an oath. Penalty of an evidence guilty of contempt or misbehaviour; or of perjury, &c. Articles of war established by 18 Geo. 2. c. 35. to be in force with respect to the crews of ships lost, &c. Clause for continuing their pay to the officers and men, after a ship is taken by an enemy, &c. Act 18 Geo. 2. c. 35. and part of 2 W. & M. appointing the form of an oath, repealed.

## CAP. XII.

*An act for holding the summer assizes for the county of* Buckingham *at the county town of* Buckingham.

WHEREAS *for many years past it hath been usual in the administration of justice to his Majesty's subjects, residing at the different ends of the county of* Buckingham, *which is of a great length, to appoint the summer assizes at the county town of* Buckingham, *and the winter assizes at* Aylesbury: *and whereas this usage was unnecessarily broken in upon in the last summer: and whereas it will tend to preserve the peace and quiet of the county to fix the distribution of justice in its usual channel, within the said county*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *June*, one thousand seven hundred and forty eight, all the commissions of assize and *Nisi prius*, and all general commissions of *Oyer and Terminer*, and all commissions of general gaol delivery, which shall be appointed to be held and executed for the said county next after the term of *Holy Trinity*, shall be held and executed in each year at and in the said town of *Buckingham*, and at no other place within the said county of *Buckingham*; any law, statute, usage, matter, or thing to the contrary notwithstanding.

The summer assizes for the county of Buckingham to be held at Buckingham yearly.

II. Provided always, and it is hereby enacted and declared by the authority aforesaid, That if at any time hereafter the said town of *Buckingham* shall be wholly unfit for holding the assizes there, by accident of fire, or by means of any contagious or epidemical distemper, or by any other unforeseen cause or exigency, to be made appear before the lord high chancellor, or lord keeper, or lords commissioners for keeping the great seal of *Great Britain* for the time being; that then, and in such cases only, it shall and may be lawful to and for the lord high chancellor, or lord keeper, or lords commissioners for keeping the great seal of *Great Britain* for the time being, with the advice of the justices of assize, from time to time, in and during the con-

In cases of exigency only, the assizes may be removed to some other place, during their continuance.

continuance of such respective exigencies only, and for and at no other time or times, to appoint another convenient place within the said county for holding the said assizes, instead of the said town of *Buckingham*; any thing in this present act contained to the contrary notwithstanding.

## CAP. XIII.

*An act to rectify a mistake in an act made in this session of parliament, intituled,* An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. EXP.

WHEREAS *by a clause in an act made this session of parliament, intituled,* An act for punishing mutiny and desertion; and for the better payment of the army and their quarters; *it is provided and declared, That from and after the twenty fifth day of* March, *one thousand seven hundred and forty eight, when and as often as any person or persons should be inlisted as a soldier or soldiers in his Majesty's land service, he and they were to be carried before the next justice of peace of any county, riding, city, or place, or chief magistrate of any city or town-corporate, who was required, in case such person or persons appeared to be duly inlisted, to certify under his hand, among other things, that the seventh and tenth articles of war against mutiny and desertion were read to such person or persons: and whereas in the said clause, mention is made of the seventh and tenth articles of war by mistake, instead of the second and sixth sections of such articles:* for rectifying the said mistake, be it enacted, *&c.*

Justices to certify, that the second and sixth sections of those articles of war were read to persons inlisted.

## CAP. XIV.

*An act for permitting tea to be exported to* Ireland, *and his Majesty's plantations in* America, *without paying the inland duties charged thereupon by an act of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of six millions three hundred thousand pounds, by virtue of an act of this session of parliament.*

WHEREAS *in and by an act passed in the eighteenth year of the reign of his present Majesty (intituled,* An act for repealing the present inland duty of four shillings *per* pound weight upon all tea sold in *Great Britain*, and for granting to his Majesty certain other inland duties in lieu thereof; and for better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another) *an inland duty of one shilling* per *pound weight avoirdupois, and in that proportion for a greater or lesser quantity, is charged upon all tea which should be sold in* Great Britain *from and after the twenty fourth day* 18 Geo. 2. c. 26.

*of* June, *one thousand seven hundred and forty five, and also a further duty of twenty five pounds for every one hundred pounds, of the gross price at which such tea should be sold at the publick sales of the united company of merchants of* England *trading to the* East Indies, *and proportionably for a greater or lesser sum, over and above all customs, subsidies, and duties payable to his Majesty for the same upon the importation thereof; which said several duties of one shilling* per *pound weight, and twenty five pounds* per centum, *it is thereby enacted should be paid down in ready money by the proprietor or proprietors of such tea, or such person or persons as should be appointed by him, her, or them, to the receiver or collector of the said inland duties, before such proprietor or proprietors, or other person or persons, should receive or take out for any purpose whatsoever such tea, from the warehouse or warehouses wherein the same was appointed to be lodged, by an act made in the tenth year of the reign of his late Majesty King* George *the First, according to the directions of the said act: and whereas the importation of tea into this kingdom, by the said united company of merchants of* England *trading to the* East Indies, *may be greatly increased, if the same be permitted to be exported to* Ireland, *and his Majesty's plantations in* America, *without paying the duties charged thereupon by the said act*; we your Majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, do most humbly beseech your Majesty, that it may enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *June*, one thousand seven hundred and forty eight, all such tea as shall then have been, or hereafter shall be imported into the kingdom of *Great Britain* from any foreign parts, and which shall be afterwards exported to the kingdom of *Ireland*, or to his Majesty's plantations in *America*, and which shall have been duly entered, and for which the several subsidies and additional imposts due on the importation thereof, shall have been paid or secured to be paid, and which shall have been carried or put into such warehouse or warehouses, as aforesaid, shall and may, from and after the said first day of *June*, one thousand seven hundred and forty eight, upon due entry thereof being made by the proprietor or proprietors thereof, or by such person or persons whom they shall appoint for that purpose, be delivered out of any such warehouse to the respective proprietor or proprietors thereof, or such person or persons as shall be appointed by him, her, or them, and who shall before such delivery have duly entered the same for exportation to *Ireland*, or his Majesty's plantations in *America*, without payment being made of all or any the respective inland duties charged or imposed upon the same by the said act; any thing therein contained to the contrary thereof in any wise notwithstanding; such proprietor or proprietors, or other person or persons, first giving bond, with sufficient security to his Majesty, his heirs and successors, to be approved of by the commissioners of the said inland

10 Geo. 1. c. 10.

Tea permitted to be exported to Ireland and America without paying the inland duties.

Proprietor to give bond for exportation.

inland duties for the time being, or any three of them, or by such person or persons as they shall, from time to time, appoint for that purpose, in double the value of the goods, that the same, and every part thereof shall (the dangers of the seas and enemies excepted) be really and truly exported to, and landed in such port of the kingdom of *Ireland*, or such place in his Majesty's plantations in *America*, for which the same has been so entered for exportation, and that the same shall not be exported, or carried to any other place or country whatsoever, nor relanded in any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, or *Man*; or either of them; and such bonds so entered into, for the carrying such tea to the kingdom of *Ireland*, or to any of his Majesty's plantations in *America*, which has not paid the inland duty herein before-mentioned, shall not be delivered up nor discharged, until a certificate shall be produced under the hands and seals of the collector, comptroller, or surveyor of the customs of the port in *Ireland*, or the plantations in *America*, where such tea shall be landed, testifying the landing thereof; and for the future, the condition of all such bonds to be given for the exportation of any such tea to *Ireland*, shall be to produce such certificate in six months from the date thereof (the danger of the seas and enemies excepted) and the condition of all such bonds to be given for the exportation of any such tea to the plantations in *America*, shall be to produce such certificate in eighteen months from the date thereof (the danger of the seas and enemies excepted) and in case no such certificate shall be produced within the respective times herein before-mentioned, it shall and may be lawful for the said commissioners of the said inland duties, to cause such bonds to be put in suit, unless they shall find sufficient cause to forbear the same; any law, custom, or usage to the contrary notwithstanding: and upon such proprietor or proprietors, or other person or persons, producing to the respective keeper or keepers of such warehouses, a certificate or certificates, signed by such person or persons as the commissioners of his Majesty's customs for the time being, or any four of them, shall for that purpose appoint, signifying that such entry has been made, and that the several subsidies and additional imposts, due on the importation thereof, have been paid or secured; and also producing a certificate under the hands of the commissioners of the said inland duties, or any three of them, that such security for exportation hath been given as herein before-mentioned; which certificate or certificates the said commissioners are hereby required to give accordingly; such warehouse-keeper or warehouse-keepers shall deliver out of such warehouse or warehouses, to such proprietor or proprietors, or other person or persons, in the same package, and no other than that in which it was imported, so much tea intended, and entered for exportation to the aforesaid places, and no other, as shall be mentioned or expressed in such certificate or certificates respectively, without payment being made of all or any the respective inland duties charged or imposed thereon

Bond not to be discharged till a certificate be produced of the landing.

Condition of the bond.

Warehouse-keeper to deliver to the proprietor the tea specified in the certificate;

and a permit.

thereon by the said act; and the respective warehouse-keeper and warehouse-keepers are thereupon to give such proprietor or proprietors, or other person or persons, a permit or certificate to accompany such tea so delivered out, till the same is shipt for exportation; which permit or certificate shall be also signed by an officer attending the said warehouse or warehouses, who shall be appointed by the commissioners of the said inland duties, or the major part of them, to prevent the seizing thereof; and such proprietor or proprietors, or other person or persons, shall, at and before the tea therein mentioned is shipt or laden on board the ship or vessel in which it is entered, and intended to be exported, deliver such permit or certificate to the searcher or other proper officer of the customs of the port from which such tea is entered for exportation, who is hereby enjoined and required (if he shall have cause to suspect the tea to be deficient in quantity or quality, from what is or shall be specified in the said permit or certificate) to open, weigh, search, and strictly examine all the chests, casks, and other package, in which such tea is contained, to see if the goods agree in quantity and quality with the permit or certificate signed by the officer of the said inland duties, as before-mentioned, and whether the same has been rightly and duly entered outwards, and the quantity and quality rightly and truly expressed in the exporter's indorsement upon his entry; and if on such examination the same shall be found to be right entered, and that they agree in quantity and quality with the permit or certificate of the officers of the said inland duties, the searcher or other proper officer shall at his own charge cause the same to be repacked (which charge shall be allowed to the said officer by the commissioners of the customs, if they think it reasonable) but in case the officer shall on examination find such goods to be of any other species or quality, or to be more in quantity or quality than is expressed in such permit or certificate, or in the exporter's indorsement upon his entry outwards, or that they shall have been entered under a wrong denomination, whereby his Majesty would have been defrauded, all such goods, together with the chests, casks, and other package containing the same, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer or officers of the customs, in such manner and form as herein after is expressed.

Proprietor to deliver the permit to the searcher.

Searcher's duty in examining the tea, certified, &c.

Tea to be exported in the same package, &c.

II. And it is hereby further enacted, That from and after the said first day of *June*, one thousand seven hundred and forty eight, no tea shall be exported to the kingdom of *Ireland*, or to any of his Majesty's plantations in *America*, in any chest, cask, tub, or package whatsoever, other than that in which it was originally imported into *Great Britain*, nor in any less quantities than in the entire lot or lots in which the same was sold at the sale of the said united company, under the penalty of the forfeiture of such tea, and the package containing the same.

Tea entered for exporta-

III. And it is hereby further enacted, That from and after the said first day of *June*, one thousand seven hundred and forty eight,

eight, when any tea is entered for exportation to *Ireland*, or any of his Majesty's plantations in *America*, the outside package in which it is contained, shall, by the searcher or searchers belonging to the customs at the port from whence the same is intended to be exported, after the entry thereof, and before the same is shipped, be marked on four different parts, on the outside thereof, in such manner as the commissioners of the customs shall direct; and if any chest, cask, tub, or other package, shall, after the same has been marked and shipt as aforesaid, be landed, or found again on shore, having such marks thereon, such chest, cask, tub, or other package, with the tea therein contained, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer or officers of the customs or inland duties, in such manner as herein after is expressed.

tion to be marked on the package;

and if found on shore again to be seized.

IV. And, for preventing the clandestine delivering of tea out of the warehouses herein before-mentioned, in order for the exportation thereof to the kingdom of *Ireland*, or to his Majesty's plantations in *America*; be it enacted by the authority aforesaid, That the keeper or keepers of the said warehouse or warehouses, who shall be appointed by the commissioners of his Majesty's customs and inland duties, shall keep one or more book or books, wherein they shall fairly enter in writing, an exact, particular, and true account of all such tea which shall, from time to time, be delivered out of the said warehouse or warehouses for exportation to *Ireland*, or the plantations in *America*, and the names of the respective person or persons to whom, or for whose use, the same was delivered out, and the particular days and times when the same was so delivered out; and shall, at the end of every three months, or oftener if required, transmit in writing an account thereof, upon oath, to the said commissioners of the customs and inland duties respectively for the time being; and the said commissioners are hereby required and enjoined, within one month after the same shall have been transmitted to them, as aforesaid, to appoint one or more person or persons to inspect and examine the same accounts; and if, upon examination, it shall appear that any tea has been delivered out for exportation to *Ireland*, or the plantations, otherwise than and under such terms, forms, and conditions performed as herein are before directed, appointed, and required for the doing thereof; then the warehouse-keeper and warehouse-keepers offending therein shall not only be disabled to hold and enjoy any publick office or employment, but shall also forfeit and lose for every such offence the sum of one hundred pounds.

Book to be kept for entering all teas delivered out for exportation.

A quarterly account on oath, to be transmitted to the commissioners, &c.

Penalty on warehouse-keeper offending.

V. And be it further enacted by the authority aforesaid, That one moiety of the several penalties and forfeitures in this act before-mentioned shall be to the use of his Majesty, his heirs and successors, and the other moiety shall be to the use of such person or persons as shall inform, prosecute, or sue for the same (except in such cases where any other appropriation or distribution is made by any other act or acts) and that all the same penalties and forfeitures shall and may be prosecuted and sued for,

Disposition of the forfeitures;

and

and the causes and controversies arising thereupon tried, heard, and determined in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* at *Edinburgh* respectively (except where any provision to the contrary is made by any other law or statute now in force) wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

and method of recovering them.

VI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

General issue.

Treble costs.

21 Geo. 2. c. 2.

VII. *And whereas by an act of this present session of parliament (intituled,* An act for granting to his Majesty a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom; and for raising a certain sum of money by annuities and a lottery, to be charged on the said subsidy; and for repealing so much of an act made in the twentieth year of his present Majesty's reign, as enacts, That prize goods and merchandize may be exported without paying any duty of custom or excise for the same) *it is amongst other things enacted, That it should and might be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance and pay unto the chief cashier or cashiers of the governor and company of the bank of* England, *the sum of six millions three hundred thousand pounds, for the purchase of annuities, after the rate of four pounds* per centum per annum, *to commence from* Michaelmas, *one thousand seven hundred and forty eight, and to be charged upon, and payable out of the rates and duties granted by the said act, at the times, and in the manner therein mentioned; which said sum of six millions three hundred thousand pounds, was thereby appointed to be paid on or before the respective days and times, and in the respective proportions herein after mentioned; that is to say, Ten pounds* per centum *by way of deposit, on or before the twelfth day of* December, *one thousand seven hundred and forty seven; ten pounds* per centum *on or before the twenty eighth day of* January, *then next ensuing; ten pounds* per centum *on or before the twenty seventh day of* February, *then next ensuing; ten pounds* per centum *on or before the twenty fourth day of* March, *then next ensuing; ten pounds* per centum *on or before the twenty second day of* April, *then next ensuing; ten pounds* per centum *on or before the twenty fourth day of* May, *then next ensuing; ten pounds* per centum *on or before the twenty first day of* June; *then next ensuing; ten pounds* per centum *on or before the twenty first day of* July,

July, *then next ensuing*; *ten pounds* per centum *on or before the twenty third day of* August, *then next ensuing*; *and ten pounds* per centum *on or before the twentieth day of* September, *then next following*; *and the said contributors were to be allowed interest, after the rate of five pounds* per centum per annum, *for all sums by them advanced and paid to the said cashier or cashiers, to be computed from the respective days of the actual payment thereof to* Michaelmas, *one thousand seven hundred and forty eight*; *but in case the said contributors should fail to make any of their respective payments at the times limited in the said act for payment thereof, all sums by them paid in part of the principal sums by them subscribed should be forfeited: and whereas, since the making of the act last recited, several sums of ten pounds* per centum, *and other sums of money, have been deposited with and paid to the said cashier or cashiers, towards raising the said sum of six millions three hundred thousand pounds, and the residue of their said subscriptions ought to be paid at the respective days before-mentioned, but it being thought proper to enlarge the time appointed for subsequent payments on the said subscriptions, for the better and more effectual execution of the said act*; be it further enacted by the authority aforesaid, That the ten pounds *per centum*, which is directed by the said act to be paid to the said cashier or cashiers on or before the said twenty second day of *April*, one thousand seven hundred and forty eight, shall and may be paid to them on or before the twenty second day of *October* following; and that the ten pounds *per centum*, which is directed to be paid by the said act to the said cashier or cashiers on or before the said twenty fourth day of *May*, one thousand seven hundred and forty eight, shall and may be paid to them on or before the twenty fourth day of *November* following, subject to the same penalties and forfeitures for nonpayment thereof at the times hereby limited, as in the said former act are contained: nevertheless, it is the true intent and meaning of this act, that the several and respective other sums of ten pounds *per centum*, directed to be paid on or before the said twenty first day of *June*, one thousand seven hundred and forty eight, the said twenty first day of *July*, the said twenty third day of *August*, and the said twentieth day of *September* following, shall be paid to the said cashier or cashiers on or before those respective days; any thing in this act to the contrary notwithstanding.

The time enlarged for some of the payments to be made on the subscription of 6,300,000l.

VIII. Provided always, and be it further enacted by the authority aforesaid, That the said contributors, or their assigns, who were by the said former act to have paid the respective payments of ten pounds *per centum* on or before the recited days in *April* and in *May*, and who by this present act are allowed to make the said payments on or before the said respective days in *October* and *November*, shall allow an interest after the rate of four pounds *per centum per annum*, from *Michaelmas*, one thousand seven hundred and forty eight, for all such payments which shall be made by them in part of their said several subscriptions, to be computed from that day to the time of the actual payment thereof to the said cashier or cashiers; which interest shall be by them

Contributors to allow 4l. per cent. per ann. interest.

them deducted from the interest of five pounds *per centum*, due to such contributors or their assigns on former payments.

## CAP. XV.

An act for enlarging the term and powers granted by an act made in the eighth year of the reign of his present Majesty, for repairing the roads from the town of Manchester, leading through Newton, Failsworth, and Oldham, in the county palatine of Lancaster, to Austerlands, in the parish of Saddleworth, in the county of York; and for making the same more effectual.

*The act* 8 Geo. 2. c. 3. *continued for* 21 *years.*

## CAP. XVI.

An act for enlarging the term and powers granted by an act passed in the tenth year of the reign of his present Majesty, *for repairing the road from Hertford-bridge Hill, to the town of Basingstoke; and also the road from Hertford-bridge Hill aforesaid, to the town of Odiham in the county of Southampton*; and for making the said act more effectual.

*The act* 10 Geo. 2. c. 12. *continued for* 21 *years.*

## CAP. XVII.

*An act to render more effectual an act made in the twentieth year of his Majesty's reign, intituled,* An act for relief of such of his Majesty's loyal subjects in that part of *Great Britain* called *Scotland*, whose title deeds and writings were destroyed or carried off by the rebels in the late rebellion,

WHEREAS *it has by experience been found impracticable, or extremely difficult, for some of his Majesty's dutiful and loyal subjects in* Scotland, *whose dwelling-houses were invaded or rifled by the rebels during the late rebellion, and whose title deeds and writings, or part of them, were carried off or destroyed by the rebels, to discover, within the time limited by an act made in the twentieth year of his Majesty's reign, intituled,* An act for the relief of such of his Majesty's loyal subjects in that part of *Great Britain* called *Scotland*, whose title deeds and writings were destroyed or carried off by the rebels in the late rebellion; *all the writings upon record belonging to them which are amissing, and which may concern or relate to their rights and interests in their lands and estate, so as to enable them to obtain the benefit intended by the said act of parliament, by applying to the court of session, and obtaining an* Interloquitor *of the said court decerning and declaring the extracts of such writings upon record to be equal to principals: and it is therefore necessary to make further provisions, for rendering the relief intended by the said act more effectual,* be it therefore enacted, *&c.*

20 Geo. 2. c. 20.

Extracts from the records of any writing produced in favour of any of the King's loyal subjects in Scotland, &c. who petitioned the court of session, and whose writings were destroyed by the rebels, to be deemed equal to the principal. Oath to be made of the principal writing being destroyed by the rebels. Defendant may object to the extract. Persons within the description of this act allowed time to petition and make proof of their possessions. If the proof be satisfactory, the court to register their determination, which shall be admitted as evidence. Extract of the judgment of the court may be produced in any subsequent petition or suit, as evidence

dence. Where the writings have been torn or defaced by the rebels, the sufferers upon producing the said writings, to be relieved.

## CAP. XVIII.

*An act for draining and preserving certain fen lands in the several parishes of* Maney, Upwell, Welney, Downham, Witcham, *and in a certain extraparochial place in* Byal Fen *within the isle of* Ely *and county of* Cambridge.

WHEREAS *certain fen lands and low grounds lying and being in the several parishes of* Maney, Welney, Upwell, Downham, Witcham, *and a certain extraparochial place in* Byal Fen, *within the isle of* Ely *and county of* Cambridge, *and within the great level of the fens called* Bedford Level, *containing in the whole, six thousand seven hundred acres, or thereabouts (nine hundred and thirty acres whereof, or thereabouts, are commonable lands, and the rest are severals) the greatest part of which said lands are within the manor of* Maney, *and the rest within the parishes of* Welney, Upwell, Downham, Witcham, *and a certain extraparochial place in* Byal Fen, *and are bounded as follows,* videlicet; *from a bank known by the name of* The Thirty Feet Bank, *at a place called* Welche's Dam, *along a drain known by the name of* The Twenty Feet Drain, *to the outring ditch of the five hundred acres of land, commonly called* Carter's Farm, *next to the land in the possession of* Richard Holditch, *esquire, and along the said outring ditch, to certain lands in the possession of* Mary Wright *widow, and from thence to a certain drove called* Byal Fen Drove, *and from thence along the said drove to the said drain called* The Twenty Feet Drain, *and from thence to* Welney *river, and from thence by the said river, to a place called* Darcy Load, *and from thence along* Darcy Load *to a place called* Twifle Load, *and from thence along* Twifle Load, *to a place called* Maney Field, *and from* Maney Field *cross the said drove called* Byal Fen Drove, *to the outring ditch of certain lands now in the possession of* Richard Read *esquire, next to a place called* Wentworth Parts, *and along the said outring ditch, to the five hundred acres of land, commonly called* Carter's Farm, *and along the outring ditch of the said five hundred acres next the* Parts, *to the outring ditch of the said* Carter's Farm, *next* Chatteris Common, *and from thence along the said outring ditch, to the outring ditch of certain lands in the possession of* William Blunt *esquire, and from thence along the outring ditch of the said lands, and the lands now in the possession of* Thomas Aspland, *to the aforesaid bank known by the name of* The Thirty Feet Bank, *and from thence along the said* Thirty Feet Bank *to* Welche's Dam *aforesaid, are subject to inundations through the defect of their outfals to sea, and are in danger of being rendered useless, to the great damage and impoverishment of the owners of such grounds, and loss to the publick: and whereas the said fen lands and low grounds cannot be preserved without the aid of parliament, to enable the owners thereof, and commoners therein, to drain the same and to keep the same drained for the future;* may it therefore please your most excellent Majesty that it may be enacted, *&c.*

Com-

Commissioners impowered to make drains, &c. and erect engines, making satisfaction to the owners of the soil. In case of difference, the justices to adjudge the damage. Commissioners impowered to make assessments. The High Lands not to be assessed. Commissioners to determine what lands shall be deemed such. Commissioners may assign over the taxes as a security for money borrowed. Commissioners to imbank at the proprietors expences certain parts of the Twenty Foot Drain, &c. If the owners of lands refuse to pay their quota, it is to be levied by distress and sale. Tenants to pay the rates, and deduct the same out of the rent. Penalty of 100l on damaging and destroying the works. For want of distress the person to be committed. Penalty of burning the engines, 3 years imprisonment. Second offence, felony. The receipts and disbursements to be inspected, and the accounts settled yearly by the commissioners. The rights of the conservators of Bedford Level reserved.

## CAP. XIX.

*An act for the more effectual trial and punishment of high treason and misprision of high treason, in the highlands of* Scotland; *and for abrogating the practice of taking down the evidence in writing in certain criminal prosecutions; and for making some further regulations relating to sheriffs depute and stewarts depute, and their substitutes; and for other purposes therein mentioned.*

FOR the more impartial and effectual trial and punishment of all offences of high treason and misprision of high treason, committed in the highlands of *Scotland*, and the limits and bounds herein after-mentioned, and for taking away any hopes of impunity from persons guilty of crimes so dangerous to his Majesty's government, and the present happy establishment; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *April*, in the year of our Lord one thousand seven hundred and forty eight, all offences of high treason, and misprision of high treason, already committed, or hereafter to be committed, in the shires of *Dunbartain*, *Sterling*, *Perth*, *Kincardine*, *Aberdeen*, *Inverness*, *Nairn*, *Cromartie*, *Argyll*, *Forfar*, *Bamff*, *Sutherland*, *Caithness*, *Elgine*, and *Ross*, and the shire or stewartry of *Orkney*, or any of them, in that part of *Great Britain*, called *Scotland*, may be enquired of, heard, tried, and determined in the court of justiciary there, in the county, shire, or stewartry where the said court shall sit, or before such commissioners or justices of *Oyer* and *Terminer*, and in such county, shire, or stewartry, within that part of *Great Britain*, called *Scotland*, as shall be assigned by his Majesty, his heirs or successors, by his or their commission, under the great seal of *Great Britain*, in like manner and form, to all intents and purposes, as if such offences of high treason, or misprision of high treason, had been done or committed in the same county, shire, or stewartry where they shall be so enquired of, heard, tried, and determined, as aforesaid.

Offences of high treason, &c. in the highlands,

may be tried in any county in Scotland.

II. And

II. And to the end, that there may be no defect of jurors to enquire of, or try the said offences of high treason, and misprision of high treason, committed in any part of *Scotland*; be it enacted by the authority aforesaid, That all enquiries and trials for high treason, or misprision of high treason, committed or to be committed in that part of *Great Britain* called *Scotland*, may be had by good and lawful men, not only of the body of the county, shire, or stewartry out of which they ought to come, by virtue of the provision aforesaid, or of former laws, but also of the bodies of the counties, shires, or stewartries next adjoining, or any of them; and the said court of justiciary, and the said commissioners or justices of *Oyer* and *Terminer* respectively, may and shall issue process for that purpose, to the respective sheriffs or stewarts of the said county, shire, or stewartry out of which the jury ought to come as aforesaid, and the counties, shires, or stewartries next adjoining thereto, or any of them, requiring them to return such a number of jurors respectively, as to the said court, or the said commissioners, or justices shall seem meet; and that in all such cases, no challenge for the county, shire, or stewartry shall be allowed; but nevertheless upon the trial of any such high treason, or misprision of high treason, the challenge to any juror for not being possessed in his own right, or in the right of his wife, of lands or tenements, as proprietor or life renter within the county, shire, or stewartry, out of which the jury ought to come as aforesaid, or within any of the counties, shires, or stewartries next adjoining thereto, and all other lawful challenges to jurors shall be allowed.

Jurors may be taken from the adjoining shires.

Court of justiciary and justices to issue process for the return of jurors.

No challenge for the county,

but all other legal challenges allowed.

III. And be it further enacted by the authority aforesaid, That three of the lords of the justiciary shall be named and assigned in every such commission of *Oyer* and *Terminer*, whereof one to be of the *Quorum*; and that if any indictment of high treason, or misprision of high treason, shall be found before any such commissioners or justices of *Oyer* and *Terminer*, and request shall be made by the advocate of his Majesty, his heirs or successors, for *Scotland*, to the lord chancellor, or lord keeper, or lords commissioners of the great seal of *Great Britain* for the time being, to remove such indictment into the court of justiciary in *Scotland*; then the lord chancellor, or lord keeper, or lords commissioners of the great seal of *Great Britain* for the time being, shall award a writ of *Certiorari*, under the said great seal, directed to such commissioners or justices of *Oyer* and *Terminer*, thereby commanding them, or any of them, to certify such indictment into the said court of justiciary; which court shall have power and authority, and is hereby required to proceed upon, hear, and determine the same, as the court of *King's Bench* in *England*, may do upon indictments of high treason, or misprision of high treason, removed or certified into the said court; and in every such case, the trial in the said court of justiciary shall be had by a jury of the county, shire, or stewartry, wherein such indictment shall be found, or of that, and of one or more of the counties, shires, or stewartries next adjoining, and

Three lords of the justiciary to be in the commission of *Oyer* and *Terminer*.

Indictments of high treason, at the request or his majesty's advocate, may be certified into the court of justiciary.

Jurors in such cases, whence to be had.

the said court is hereby impowered to issue process for that purpose; and the benefit of such challenges, to any of the jurors as are hereby before allowed, and none other, shall be allowed upon every such trial in the said court of justiciary.

Peers to be tried by their peers.

IV. Provided always, That if any peer of this realm shall happen to be indicted of any high treason, or misprision of high treason, by authority of this act, then after such indictment found, every such peer shall have his trial by his peers, in such manner and form, as by law a peer of this realm is to have his trial.

Persons convicted of high treason subject to corruption of blood, &c.

V. And be it further enacted by the authority aforesaid, That all persons convicted or attainted of any high treason, or misprision of high treason, pursuant to this act, shall be subject and liable to the same corruption of blood, pains, penalties, and forfeitures, as persons convicted or attainted of high treason, or misprision of high treason, pursuant to an act made in the seventh year of the reign of her late majesty Queen *Anne*, intituled, *An act for improving the union of the two kingdoms.*

7 Annæ, c. 21.

The said clauses to be in force for 7 years,

VI. Provided always, and be it further enacted by the authority aforesaid, That the provisions and clauses herein before-mentioned and contained, shall be and continue in force for the space of seven years, and from thence to the end of the then next session of parliament, and no longer.

The taking down the evidence in writing in certain criminal prosecutions, abrogated.

VII. *And whereas the taking down, and reducing into writing the evidence given in criminal causes and prosecutions (not extending to the loss of life, or to demembration) before the court of justiciary, and the circuit courts in that part of* Great Britain *called* Scotland, *has by experience been found very inconvenient, and to occasion great delay, as well as expence*; be it further enacted by the authority aforesaid, That from and after the first day of *July*, in the year of our Lord one thousand seven hundred and forty eight, it shall and may be lawful for the said court of justiciary, and the said respective circuit courts, to proceed in, try, and determine all causes and prosecutions before them, for any crime or crimes, not inferring the punishment of death or demembration, whereupon the verdict of an assize or jury is to pass, upon examining and hearing the evidence of the witness or witnesses adduced or examined in any such cause or prosecution *viva voce*, without reducing into writing the testimony of any such witness or witnesses; and that the practice of taking down, and reducing into writing the testimony of witnesses in such cases, be and the same is hereby abrogated and abolished.

Counsel and pannel may interrogate the witnesses. Judge to sum up the evidence.

VIII. Provided always, and be it enacted, That in such cases where the testimony of witnesses shall not be reduced into writing, the counsel on both sides, and the pannel, may interrogate the witnesses to and upon pertinent and legal questions; and that immediately before the assize or jury shall be inclosed, the evidence shall be summed up by the judges, before whom such trial shall be had, or one of them.

His majesty's

IX. And it is hereby further enacted, That the several forts erected, or hereafter to be erected by his Majesty, his heirs or

successors, within the said shires of *Dunbartain*, *Sterling*, *Perth*, *Kincardine*, *Aberdeen*, *Inverness*, *Nairn*, *Cromartie*, *Argyll*, *Forfar*, *Bamff*, *Sutherland*, *Caithness*, *Elgine*, and *Ross*, and the shire or stewartry of *Orkney*, or any of them, shall be, and they are hereby declared to be lawful prisons, for the commitment and safe custody of offenders; and the several and respective officers, commanding for the time being in any such fort or forts, are hereby impowered and required to obey and execute all legal orders and warrants, that shall be to them directed for the receiving and detaining, or releasing and liberating any person or persons, committed to their charge or custody, by the civil magistrate.

forts declared lawful prisons.

The officers to receive, &c. prisoners committed by warrant from the magistrate.

X. And it is hereby further enacted, That no sheriff depute, or stewart depute, or substitute to any sheriff depute or stewart depute, of any county, shire, or stewartry in *Scotland*, after the twenty fifth day of *December*, in the year of our Lord one thousand seven hundred and forty eight, shall be steward, chamberlain, or commissioner to any subject whatsoever, or collector of the cess, or shall exercise or act in the employment, service, or office of such steward, chamberlain, commissioner, or collector; and if any such sheriff depute or steward depute, or substitute to any sheriff depute or stewart depute, shall accept or take upon him any such employment, service, or office, or exercise the same, or act therein, he shall from thenceforth forfeit his office or employment of sheriff depute, stewart depute, or substitute, and be *ipso facto* disabled to hold, enjoy, or exercise the same.

Regulations relating to sheriffs and stewarts depute, and their substitutes.

XI. And be it further enacted by the authority aforesaid, That no such sheriff depute or stewart depute shall be capable of being elected, or of sitting or voting as a member of the house of commons.

Sheriffs and stewarts depute disqualified from being members of parliament.

XII. *And whereas his Majesty has thought fit, for the more easy administration of justice, to appoint one sheriff depute only for the shires of* Fife *and* Kinross, *one only for the shires of* Sterling *and* Clackmannan, *one only for the shires of* Argyll *and* Bute, *one only for the shires of* Elgin *and* Nairn, *one only for the shires of* Sutherland *and* Caithness, *and one only for the shires of* Ross *and* Cromartie; be it enacted by the authority aforesaid, That the sheriffs depute appointed for the said shires, shall not be obliged to reside four months in each of the said shires, but that their residence within the two shires, considered as one district in that respect, shall be deemed sufficient to all intents and purposes.

Residence of sheriffs depute,

XIII. And be it further enacted, That until a new distribution and division of the circuits in *Scotland* shall be made, in pursuance of the act of the twentieth year of his present Majesty's reign (intituled, *An act for taking away and abolishing the heretable jurisdictions in that part of* Great Britain *called* Scotland, *and for making satisfaction to the proprietors thereof, and for restoring such jurisdictions to the crown; and for making more effectual provision for the administration of justice throughout that part of the united kingdom, by the King's courts and judges there; and for obliging all*

till a new division of the circuits, according to 20 Geo. II. c. 43.

*persons acting as procurators, writers, or agents in the law in* Scotland, *to take the oaths; and for rendering the union of the two kingdoms more complete)* the judges appointed to hold the circuit courts at *Dumfreis* and *Jedburg*, shall likewise be appointed to hold the circuit court at *Air*, which shall be, and be deemed to be within the limits of the circuit, commonly called *The Southern Circuit*, until such new division and distribution of the circuits in *Scotland* shall be made as aforesaid.

The judges appointed for Dumfries and Jedburgh, shall also hold the circuit court at Air.

## CAP. XX.

An act for enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, for repairing the several roads leading from Birmingham, through the town of Wednesbury, to a place called High Bullen, and to Great Bridge; and from thence to the end of Gibbet Lane, next adjoining to the township of Bilson; and from Great Bridge, through Dudley to King-Swinford, and to the further end of Brittel Lane, in the counties of Warwick, Stafford, and Worcester.

*The act* 13 Geo 1. c. 14. *continued for* 21 *years.*

## CAP. XXI.

An act for erecting workhouses, for the better employing and maintaining the poor within the burgh of Bury Saint Edmunds, in the county of Suffolk; and for the better repairing and paving the streets and highways there.

## CAP. XXII.

An act for enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, intituled, *An act for repairing the roads leading from the town of Bromsgrove to the town of Dudley, in the county of Worcester, and from the said town of Bromsgrove to the town of Birmingham, in the county of Warwick*; so far as the said act relates to repairing the roads leading from the town of Birmingham, to the town of Bromsgrove, in the county of Worcester; and for making the same more effectual.

*The act* 13 Geo. 1. c. 15. *continued for* 21 *years.*

## CAP. XXIII.

*An act for granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty eight; and for applying a sum of money remaining in the exchequer, arisen by the rates and duties on houses which determined at* Ladyday, *one thousand seven hundred and forty seven; and for the further appropriating the supplies granted in this session of parliament; and for applying a certain sum of money, for defraying the charge of the allowances, for the year one thousand seven hundred and forty eight, to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse lately reduced.*

*Most gracious Sovereign,*

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, being desirous to raise the necessary supplies which we have cheerfully

fully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and forty eight, in the easiest manner we are able, for the benefit of your Majesty's subjects, and also to use such ways and means therein as that your Majesty may have the better and more speedy effect of the said supplies, have resolved to give and grant unto your Majesty the sum of one million, out of the surplusses, excesses, and overplus monies, commonly called *The sinking fund*: and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as now are, or shall from time to time be and remain in the receipt of the exchequer, of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund* (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued, and applied, a sum not exceeding the said sum of one million, for and towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and forty eight; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

One million granted out of the sinking fund.

II. And be it further enacted by the authority aforesaid, That all the monies which have arisen, or shall arise into the receipt of his Majesty's exchequer, of the several rates and duties on houses, which determined at *Ladyday*, one thousand seven hundred and forty seven, shall be deemed and taken, and be applied as part of the fund for paying and discharging the several annuities and other payments charged by an act of the last session of parliament, on certain rates and duties on houses, windows, and lights granted by the said act; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same thereunto accordingly; any thing in this or any former act to the contrary thereof in any wise notwithstanding.

Appropriation of the monies coming by the in duties on houses.

III. And it is hereby enacted by the authority aforesaid, That in case the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think it adviseable to raise the said sum of one million, or any part thereof, by loans or exchequer bills, in manner herein after mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the re-

Clause of loan at 4l. per cent.

ceipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of one million, upon the credit of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding four pounds *per centum per annum*, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover that no money so to be lent on the security of this act shall be rated or assessed to any tax or assessment whatsoever.

Tallies and orders for repayment,

IV. And be it further enacted, That all and every person and persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the said rate of four pounds *per centum per annum*, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent shall be registred in course according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, or overplus monies; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in, of or for the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*, as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than such uses or purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid;) and that no fee, reward, or gratuity directly or indirectly shall be demanded or taken of any of his Majesty's subjects for providing or making of any such books or registers, or any entries, views, or searches in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with

to carry 4l. per cent. interest.

Orders to be register'd, and paid in course.

No fee for registering, &c.

with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt with full costs of suit to the party grieved, and shall be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his place or office; and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon such order, according to each person's due place and order as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint shall be in any wise granted or allowed.

Penalty.

Penalties how to be recovered.

V. Provided always, and it is declared, That if it shall happen that several tallies of loan or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those be entered first, so as he enters them all the same day.

Proviso.

VI. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Proviso.

VII. And be it further enacted, That all and every person and persons to whom any money shall be due for loans to be registred by virtue of this act, after order entered in the book of registry as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign or transfer his, her, and their right, title, interest, and benefit of such order, or any part thereof to any other; which being notified in the office of the auditor of the receipt as aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid

Orders assignable.

No fee for entry.

said for orders (which the officers shall upon request without fee or charge accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, or assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

The assignment not to be voided.

VIII. And to the end there may be no want or failure of a certain sum not to exceed in the whole the said sum of one million, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means for the publick service; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more adviseable to raise the said sum of one million, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made at the exchequer, any number of new exchequer bills, for any sum or sums of money not exceeding in the whole the said sum of one million, together with such loans as aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of parliament (for continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty eight) are enacted and prescribed, concerning the exchequer bills to be made in pursuance of the said act.

Treasury may make new bills for raising the said one million, &c.

IX. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act relating to the loans or exchequer bills authorized to be made by the same act, except such clauses as do charge the same on the rates or duties, granted by the same act, shall be applied and extended to the exchequer bills to be made in pursuance of this act, as fully and effectually to all intents and purposes as if the said exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisoes had been particularly repeated or re-enacted in the body of this present act.

The exchequer bills to be subject to the regulations contained in 31 Geo. 2. c. 1.

X. And be it enacted by the authority aforesaid, That all the exchequer bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by or out of the growing produce of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund* (except such monies of the sinking fund as are appropriated to any particular use or uses by any

Exchequer bills, &c. to be repaid out of the sinking fund.

any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

The surplus of the malt act, &c.

XI. Provided always, and be it enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, (intituled, *An act for continuing the duties upon malt, mum, cyder, and perry, in that part of* Great Britain *called* England, *and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of* Great Britain *called* Scotland; *for the service of the year one thousand seven hundred and forty eight*;) and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and also all the monies coming into the exchequer by sale of annuities, after the rate of four pounds *per centum per annum*, upon one other act of this session of parliament (intituled, *An act for granting to his Majesty a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom; and for raising a certain sum of money by annuities, and a lottery, to be charged on the said subsidy; and for repealing so much of an act made in the twentieth year of his present Majesty's reign, as enacts, That prize goods and merchandize may be exported without paying any duty of custom or excise for the same*;) and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in* Great Britain, *for the service of the year one thousand seven hundred and forty eight*;) and so much money, if any such be, of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and the sum of one million by this act granted, shall be further appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein after expressed (that is to say)

Annuities.

Land tax.

applied.

Out of the aids in general to be paid, 2,298,827l. 9s. 5d. to naval services.

XII. It is herein enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding two millions two hundred ninety eight thousand eight hundred twenty

ty seven pounds, nine shillings, and five pence, for or towards the naval services herein after more particularly expressed; that is to say, for or towards defraying the charges of the ordinary of his Majesty's navy, and for half-pay to sea-officers; and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed; and for or towards carrying on the building of the intended hospital for sick and wounded seamen at *Gosport*, for the year one thousand seven hundred and forty eight.

91,496 l. 16 s. 3 d. for freight of transports.

XIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ninety one thousand four hundred ninety six pounds, sixteen shillings, and three pence, for the freight of transports in the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding forty three thousand nine hundred thirty seven pounds, eleven shillings, and three pence, for the expence of victuals provided for his Majesty's land forces, in the year one thousand seven hundred and forty seven.

43,937 l. 11 s. 3 d. for victualling the land forces.

10,000 l. to Greenwich hospital.

XIV. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, upon account, towards the support of the royal hospital at *Greenwich*, for the better maintenance of the said hospital, worn out and become decrepit in the service of their country; and any sum or sums of money, not exceeding one million, towards paying off and discharging the debt of the navy.

1,000,000 l. towards the debt of the navy.

501,629 l. 18 s. 2 d. to the office of ordnance.

XV. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding five hundred one thousand six hundred twenty nine pounds, eighteen shillings, and two pence, for or towards defraying the charge of the office of ordnance for land service, for the year one thousand seven hundred and forty eight, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

196,089 l. 19 s. 7 d. to the marines.

XVI. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred ninety six thousand eighty nine pounds, nineteen shillings, and seven pence, for defraying the charge of eleven thousand five hundred and fifty marines (commission and non-commission officers included) for the service of the year one thousand seven hundred and forty eight.

3,761,576 l. 9 s. 1 d. 1 q. to the land forces;

XVII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding three millions seven hundred sixty one thousand five hundred seventy six pounds, nine shillings, and one penny farthing, for or towards maintaining his Majesty's land forces, and other services

vices herein after more particularly expressed; (that is to say) any sum or sums of money, not exceeding one million two hundred sixty seven thousand three hundred seventy six pounds, fifteen shillings, and nine pence three farthings, for defraying the charge of the forty nine thousand nine hundred and thirty nine effective men, including commission and non-commission officers, and one thousand eight hundred and fifteen invalids, to be employed for the service of the year one thousand seven hundred and forty eight; and any sum or sums of money, not exceeding three hundred fifty thousand thirty four pounds fourteen shillings, and one penny three farthings, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Placentia*, *Gibraltar*, *Georgia*, *Rattan*, and *Cape Breton*, for the year one thousand seven hundred and forty eight; and any sum or sums of money, not exceeding four hundred sixty thousand two hundred twenty three pounds, ten shillings, for defraying the expence of the pay and subsistence of a body of the troops of *Hanover*, consisting of five thousand horse, and seventeen thousand and seventy foot, making in the whole twenty two thousand and seventy men, to act in the Low Countries, with the *Austrian* troops, and those of the *States General* of the united provinces, for the year one thousand seven hundred and forty eight; and any sum or sums of money, not exceeding ten thousand pounds, for a train of artillery to attend the said troops; and any sum or sums of money, not exceeding one hundred sixty seven thousand eight hundred eighty one pounds, eighteen shillings, and ten pence, for the proportion of the subsidy payable by *Great Britain* to the empress of *Russia*, for a body of troops to consist of thirty thousand men, to be employed for the service of *Great Britain*, the *States General* of the united provinces, and their allies, for the year one thousand seven hundred and forty eight, and for defraying the charge of the march of the said troops to the frontiers of *Upper Silesia*; and any sum or sums of money, not exceeding one hundred and fifty thousand pounds upon account, for the year one thousand seven hundred and forty eight, towards defraying the proportion payable by *Great Britain* of the provisions and forage to be furnished to the said troops, from the time of their arrival on the frontiers of *Upper Silesia*, until they return to the frontiers of *Poland*; and any sum or sums of money not exceeding one hundred sixty one thousand nine hundred fifty one pounds, fourteen shillings, and seven pence farthing, for defraying the charge of one thousand two hundred and sixty four horse, and four thousand nine hundred and eight foot, with the general officers, and train of artillery, the troops of his majesty the King of *Sweden*, as *Landgrave* of *Hesse Cassell*, in the pay of *Great Britain*, from the twenty fifth day of *December*, one thousand seven hundred and forty seven, to the twenty fourth day of *December*, one thousand seven hundred and forty eight, both inclusive, together with the subsidy for the said time, pursuant to treaty; and any sum or sums of money,

of which 1,267,376 l. 15 s. 9 d. 3 q. for guards and garrisons, &c. in Great Britain, Guernsey, and Jersey;

350,034 l. 14 s. 1 d. 3 q. for the forces in the plantations, &c.

460,223 l. 10 s. for the troops of Hanover;

10,000 l. for a train of artillery.

167,881 l. 18 s. 10 d. for troops of Russia.

150,000 l. for forage, &c. for the said troops.

161,951 l. 14 s. 7 d. 1 q. for troops of Sweden, &c.

57,792 l. 7 s. 5 d. 2 q. for troops of the duke of Brunswick Wolfenbuttle;

money, not exceeding fifty seven thousand seven hundred ninety two pounds, seven shillings, and five pence halfpenny, for defraying his Majesty's proportion of the charge of maintaining four thousand eight hundred foot, with the general officers, and train of artillery, the troops of his most serene highness the duke of *Brunswick Wolfenbuttle*, from the twenty fifth day of *March*, one thousand seven hundred and forty eight, to the twenty fourth day of *December* following, both inclusive, taken into the service of his Majesty and the *States General*, together with his Majesty's proportion of the subsidy, pursuant to treaty;

400,000 l. to the Queen of Hungary.

and any sum or sums of money, not exceeding four hundred thousand pounds, to enable the Queen of *Hungary* to support her allies, and maintain sixty thousand men in the Low Countries, and the like number in *Italy*, for the year one thousand seven hundred and forty eight, pursuant to treaty;

300,000 l. to the King of Sardinia.

and any sum or sums of money, not exceeding three hundred thousand pounds, to make good his Majesty's engagements with the King of *Sardinia*, pursuant to treaty;

8,620 l. to the Elector of Mentz.

and any sum or sums of money, not exceeding eight thousand six hundred and twenty pounds, to make good his Majesty's engagements with the Elector of *Mentz*, pursuant to treaty;

26,846 l. 11 s. 9 d. to the Elector of Bavaria.

and any sum or sums of money, not exceeding twenty six thousand eight hundred forty six pounds, eleven shillings, and nine pence, to make good his Majesty's engagements with the Elector of *Bavaria*, pursuant to treaty;

53,861 l. 3 s. for general and staff officers.

and any sum or sums of money, not exceeding fifty three thousand eight hundred sixty one pounds, and three shillings, for the pay of the general, and general staff officers, and officers of the hospitals for his Majesty's land forces, for the year one thousand seven hundred and forty eight;

315,876 l. 8 s. 9 d. 3 q. for the war in Flanders, &c.

and any sum or sums of money, not exceeding three hundred fifteen thousand eight hundred seventy six pounds, eight shillings, and nine pence three farthings, for defraying the extraordinary expences of his Majesty's land forces in *Flanders*, in *North Britain*, and *America*, and of other services, incurred in the year one thousand seven hundred and forty seven, and not provided for by parliament;

27,224 l. 6 s. to officers on half-pay.

and any sum or sums of money, not exceeding twenty seven thousand two hundred twenty four pounds, six shillings, upon account of half-pay to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and forty eight, subject to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same;

3,886 l. 18 s. 8 d. 1 q. to the pensions of reduced officers widows, &c.

and any sum or sums of money, not exceeding three thousand eight hundred eighty six pounds, eighteen shillings, and eight pence farthing, for paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and forty eight; which said sum of three thousand eight hundred eighty six pounds, eighteen shillings, and eight pence farthing, shall be issued to

such

such person or persons, as his Majesty shall, by warrant or warrants under his Majesty's royal sign manual, direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, and other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint.

500,000 l. to discharge the like sum borrowed, &c.

XVIII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding five hundred thousand pounds, to enable his Majesty to discharge the sum of five hundred thousand pounds, raised in pursuance of an act passed in the last session of parliament, and charged on the first aids or supplies to be granted in parliament, after the twenty ninth day of *September*, one thousand seven hundred and forty seven.

20,000 l. for building the bridge at Westminster.

XIX. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and paid to the commissioners for building a bridge cross the river *Thames*, from the city of *Westminster* to the opposite shore, in the county of *Surrey*, or any seven or more of them, or to such person or persons as shall be appointed under the hands and seals of the said commissioners, or any seven or more of them, to receive the same, the sum of twenty thousand pounds, without account, other than is directed for other monies raised by virtue of several former acts of parliament, passed during the reign of his present Majesty, for building the said bridge, to be applied to finish the said bridge, and to enable the said commissioners to perform the other trusts reposed in them.

500,000 l. to enable his Majesty to carry on the war.

XX. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding five hundred thousand pounds, upon account, to enable his Majesty to carry on the war with vigour both by sea and land, and to make good such treaties as are or shall be made with his Majesty's allies, for the year one thousand seven hundred and forty eight.

183,649 l. 2 s. 7 d. 2 q. to the province of Massachusets Bay;

XXI. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred eighty three thousand six hundred forty nine pounds, two shillings and seven pence halfpenny, for reimbursing to the province of *Massachusets Bay* the expences they have been at in taking and securing to the crown of *Great Britain* the island of *Cape Breton*, and its dependencies; and any sum or sums of money, not exceeding sixteen thousand three hundred fifty five pounds, thirteen shillings, and four pence, for reimbursing to the province of *New Hampshire* their expences in the said expedition; and any sum or sums of money, not exceeding twenty eight thousand eight hundred sixty three pounds, nineteen shillings, and one penny, for reimbursing to the colony of *Connecti-*

16,355 l. 13 s. 4 d. to the province of New Hampshire;

28,863 l. 19 s. 1 d. to the colony of Connecticut;

6,332 l. 12 s. 10 d. to the colony of Rhode Island; 547 l. 15 s. to James Gibson esquire.

*cut* their expences in the said expedition; and any sum or sums of money, not exceeding six thousand three hundred thirty two pounds, twelve shillings, and ten pence, for reimbursing to the colony of *Rhode Island* their expences in the said expedition; and any sum or sums of money, not exceeding five hundred forty seven pounds, fifteen shillings, to *James Gibson* esquire, for his services and expences in the said expedition.

152,037 l. 12 s 2d. as a compensation for the heretable jurisdictions in Scotland.

XXII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred fifty two thousand thirty seven pounds, twelve shillings, and two pence, to enable his Majesty to make reasonable and just compensation and satisfaction for the heretable jurisdictions and offices in *Scotland*, as allowed by the court of session there, in pursuance of an act of the last session of parliament.

7,118 l. 5 s. 9 d. to make good the deficiency of the stamp duties.

XXIII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding seven thousand one hundred eighteen pounds, five shillings, and nine pence, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Christmas*, one thousand seven hundred and forty six; and any sum or sums of money not exceeding thirteen thousand six hundred sixty pounds, eighteen shillings, and six pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty of twelve shillings a barrel on sweets, or wines made from *British* or foreign fruit or sugar, at *Michaelmas*, one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding thirty five thousand pounds, to replace to the said sinking fund the like sum paid out of the same, to answer one year's interest due at *Michaelmas*, one thousand seven hundred and forty seven, after the rate of three pounds ten shillings *per centum per annum*, on the principal sum of one million lent on credit of the salt duties, which were continued for six years, from *Lady-day*, one thousand seven hundred and fifty three, towards the supply for the year one thousand seven hundred and forty five; and any sum or sums of money, not exceeding twenty nine thousand seven hundred sixty five pounds, nineteen shillings, and five pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the additional duties on wines at *Midsummer*, one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding sixteen thousand three hundred sixty two pounds, eight shillings, and five pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty on licences for retailing of spirituous liquors, at *Lady-day*, one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding thirty four thousand one hundred seventy seven pounds, seven shillings, and three pence half-penny, to replace to the said sinking fund the like sum paid out of

13,660 l. 18 s. 6 d. to make good the deficiency of the duties on sweets.

35,000 l. for interest on the salt duties.

29,765 l. 19 s. 5 d. to make good the additional duties on wines.

16,362 l. 8 s. 5 d. to make good the deficiency on licences for spirituous liquors.

34,177 l. 7 s. 3d. 2q. to make good the deficiency on glass and

of the same, to make good the deficiency of the duties on glass and spirituous liquors, at *Midsummer*, one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding thirty nine thousand eight hundred forty six pounds, eleven shillings, and seven pence halfpenny, for making good the deficiency at *Christmas*, one thousand seven hundred and forty seven, of the said duties on glass and spirituous liquors; and any sum or sums of money, not exceeding five hundred seventy one thousand eight hundred twenty seven pounds, eighteen shillings, and seven pence, to make good the deficiency of the grants for the service of the year one thousand seven hundred and forty seven.

Spirituous liquors at Midsummer. 39,846 l. 11 s. 2 d. at Christmas. 571,827 l. 18 s. 7 d. Deficiency of grants for the year 1747.

XXIV. And be it further enacted by the authority aforesaid, That the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament. And as to the said sum of twenty seven thousand two hundred twenty four pounds, six shillings, by this act appropriated on account of half-pay, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garison or regiment, who has any ecclesiastical benefice in *Great Britain* or *Ireland*, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

The supplies to be applied only as this act directs.

Rules to be observed in the application of the sum of 27,224 l. 6 s. appropriated on account of half-pay.

XXV. *And whereas by an act of parliament made in the twentieth year of his Majesty's reign, (intituled,* An act for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and forty seven; and also for enabling his Majesty to raise a further sum of money for the uses and purposes therein mentioned; and for the further

20 Geo. 2. c. 36.

further appropriating the supplies granted in this session of parliament; and for applying a certain sum of money for defraying the charge of the allowances to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse, lately reduced, for the year one thousand seven hundred and forty seven; and for continuing the bounties on the exportation of *British* and *Irish* coarse linens) *several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money, not exceeding twenty nine thousand nine hundred fourteen pounds, fifteen shillings, and ten pence, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf*; now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of twenty nine thousand nine hundred fourteen pounds, fifteen shillings, and ten pence, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall or may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others, as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity; or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act to the contrary notwithstanding.

The surplus of last year's half-pay, to be applied to such objects as his Majesty shall direct.

XXVI. And it is hereby likewise enacted, That out of the monies or savings arising from the money granted by parliament, for the relief and provision of the widows of officers, who have been killed or died in the service, there shall and may be issued and applied, by any warrant or warrants of his Majesty, under his royal sign manual, any sum or sums of money, not exceeding eight thousand eight hundred fifty one pounds, five shillings, for defraying the charge of allowances to several officers and private gentlemen of two troops of horse guards, and three regiments of horse lately reduced, together with the incident charges arising therefrom, for the service of the year one thousand seven hundred and forty eight.

8,851 l. 5 s. to the 2 troops of horse guards, &c. lately reduced.

## CAP. XXIV.

An act for building a church in the town of Liverpool, in the county palatine of Lancaster, and for enlightening and cleansing the streets of the said town, and for keeping and maintaining a nightly watch there.

## CAP. XXV.

An act for repairing the roads leading from Sutton Colefield common to the town of Walsall, and from Sneals Green to Walsall, and from Walsall to Park Brook, which divides the parishes of Wolverhampton and Walsall, and from Gibbet Lane to Wolverhampton, and from Compton to the end of the county of Stafford, and from Wolverhamp-

ton

ton to the Wergs, and from thence to Shifnall, and from the Wergs to Hales Heath, and from Wolverhampton to Cannock Wood in the road to Lichfield.

*Certain tolls granted for 21 years.*

## CAP. XXVI.

*An act for explaining, amending, and enforcing an act made in the eighteenth year of the reign of his present Majesty, intituled,* An act for prohibiting the wearing and importation of cambricks and *French* lawns,

WHEREAS *by an act made in the eighteenth year of the reign of his present Majesty (intituled,* An act for prohibiting the wearing and importation of cambricks and *French* lawns) *it is (amongst other things) enacted, That from and after the twenty fourth day of* June, *which shall be in the year of our Lord one thousand seven hundred and forty eight, it shall not be lawful for any person or persons whatsoever to wear in* Great Britain, *in any garment or apparel whatsoever, any cambrick or* French *lawn, under penalty to the informer of five pounds of lawful money of* Great Britain, *for every such offence, being thereof lawfully convicted by the oath or oaths of one or more witness or witnesses, before any one or more justice or justices of the peace, to be levied and recovered as is therein directed: and whereas it is further enacted by the aforesaid act, That from and after the said twenty fourth day of* June, *one thousand seven hundred and forty eight, if any person shall vend, utter, sell, or expose to sale, any cambricks or* French *lawns, made, or not made up, such person or persons so vending, uttering, selling, or exposing the same to sale (except for exportation only) who shall be thereof convicted, shall forfeit and pay the like sum of five pounds, to be recovered and levied as aforesaid: and whereas it is further provided and declared by the said act, That if any person shall, after the said twenty fourth day of* June, *one thousand seven hundred and forty eight, be prosecuted for wearing such cambrick or* French *lawn, and such person shall discover upon oath, before any one or more justice or justices of the peace, the person or persons who sold such cambricks or* French *lawns, to such person wearing the same, such person so discovering as aforesaid, shall be, and is thereby discharged from all penalties and forfeitures inflicted by the said act; and that the person or persons so selling such cambrick or* French *lawns, shall be liable to the penalties and forfeitures laid and inflicted by the said act: and whereas some doubts have arisen, or may arise, whether by the words of the said recited act any penalty can be inflicted, either upon the wearer of any such cambrick or* French *lawn, who shall discover the vender or seller thereof, or upon the vender or seller so discovered by the wearer thereof, in case it shall appear that the said cambrick or* French *lawn was sold to such wearer previous to the aforesaid twenty fourth day of* June, *one thousand seven hundred and forty eight; by which means such cambricks and* French *lawns may happen to be worn for a great number of years, without any penalty whatsoever laid or inflicted, either on the wearer or seller thereof, contrary to the true intent and meaning of the said act, so evident-* 18 Geo. 2. c. 36.

*ly advantageous to this kingdom: and whereas it may be difficult for many persons to ascertain upon oath, where or from whom such cambricks or* French *lawns were bought, which have been for any considerable time in their possession:* for the avoiding therefore of all such doubts and difficulties as aforesaid, be it enacted and declared; and it is hereby enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons, who after the twenty fourth day of *June*, one thousand seven hundred and forty eight, and before the twenty fifth day of *March*, one thousand seven hundred and forty nine, shall be prosecuted for wearing in or on any garment or apparel, any cambricks or *French* lawns, shall make an affidavit, or bring sufficient proof, or by the oath or affidavit of the husband or wife of the party accused, or by the oath or affidavit of any other credible person, before one or more justice or justices of the peace, that the same was bought on or before the twenty fourth day of *June*, one thousand seven hundred and forty eight, such wearer shall be, and is hereby discharged from any penalty or forfeiture inflicted by the said act.

Persons prosecuted for wearing cambrick, producing proof that the same was bought before 24 June, 1748, discharged.

II. And be it further enacted by the authority aforesaid, That at any time from and after the twenty fourth day of *June*, one thousand seven hundred and forty eight, if any wearer of cambrick or *French* lawn, who shall be prosecuted by virtue of the said in part recited act for wearing the same, and who shall have purchased the same after the twenty fourth day of *June*, one thousand seven hundred and forty eight, shall discover to the satisfaction of the justice or justices, the vender or seller of such cambrick or *French* lawn, and likewise that the same was sold by such vender or seller after the said twenty fourth day of *June*, one thousand seven hundred and forty eight, so as such vender or seller be convicted, and become liable to the penalties and forfeitures laid and inflicted by the said act, then, and not otherwise, such wearer so prosecuted shall be and is hereby discharged from any penalty or forfeiture laid or inflicted by the said act; any thing in this or in the said act to the contrary notwithstanding.

The vender convicted of selling cambrick after 24 June, 1748, to be liable.

III. And it is hereby further enacted by the authority aforesaid, That whenever any person informed against for wearing such cambrick or *French* lawn shall be excused from the penalty by discovering the vender or seller thereof, the penalty to be levied and inflicted on such vender or seller in every such case, shall go and belong to the person who informed against the wearer thereof.

Penalties to go to the informer.

IV. *And whereas the penalties to which wearers of cambricks or* French *lawns are made subject, either by the said former law, or this present act, cannot in case the person convicted be a feme covert, be levied by law on the goods and chattles of her husband, by means of which the intent of the said former and of this present act may happen to be evaded:* for remedy thereof, be it further enacted by the autho-

authority aforesaid, That in all cases where the offender shall, at the time of the offence committed, or at the time of the conviction, happen to be a feme covert, living with her husband, the penalties which should be levied on the goods and chattles of such offender, in case she had been then unmarried, shall and may be levied on the goods and chattles of her husband; any law to the contrary notwithstanding.

Penalties incurred by a feme covert, to be levied on the goods of the husband.

V. And be it further enacted by the authority aforesaid, That if any milliner, sempstress, or other person whatsoever, shall for hire, from and after the said twenty fourth day of *June*, one thousand seven hundred and forty eight, make up any cambrick or *French* lawn for, in, or upon any garment or wearing apparel, such milliner, sempstress, or other person, shall be liable to the like penalties and forfeitures, as the sellers of cambrick or *French* lawn are liable to, by virtue of the said act of the eighteenth year of his Majesty's reign, to be prosecuted and levied, and the said penalties and forfeitures to be applied in the like manner, as the several penalties and forfeitures are directed to be prosecuted, levied, and applied, by this or the said in part recited act.

Milliners making up cambricks, liable to the penalties.

VI. And be it further enacted by the authority aforesaid, That in all cases wherein by this act an oath is required to be made and taken, the solemn affirmation of any person, being a *Quaker*, shall and may be accepted and taken in lieu thereof; and that every instance of wilful and corrupt false affirming, shall subject such person to the same penalties and forfeitures, as he would by law have been liable to, if the same matter had been declared upon oath or affidavit directed by this act.

Quakers affirmation to be taken.

Penalty of false affirming.

## CAP. XXVII.

**An act for repairing the high road from Peirsbridge to Kirkmerrington in the county of Durham, and from thence to the turnpike road at Tudhoe lane end in the said county.**

*Certain tolls granted for 21 years.*

## CAP. XXVIII.

*An act to explain and amend an act passed in the fourteenth year of his Majesty's reign, intituled,* An act for the preservation of the publick roads in that part of *Great Britain* called *England*; *and so much of an act passed in the third year of the reign of King* William *and Queen* Mary, *intituled,* An act for the better repairing and amending the highways; and for settling the rates of the carriage of goods, *as relates to the settling the rates of the carriage of goods.*

WHEREAS *by an act passed in the fourteenth year of his present Majesty's reign, intituled,* An act for the preservation of the publick roads in that part of *Great Britain* called *England*, *it was enacted, That it should and might be lawful to and for all* 14 Geo. 2. c. 42.

*trustees appointed, or thereafter to be appointed by any act or acts of parliament, for the repair of any highway in that part of* Great Britain *called* England, *or any five of them, at any or as many gate or gates, bar or bars, as they had erected, or should erect, for the receiving of any toll or tolls, to order, or cause to be built or erected, any crane, machine, or engine for weighing of carts, waggons, or other carriages, for the conveying of any goods and merchandize, except as therein is excepted, and to order all such carriages which should pass any such gate or bar, to be weighed, together with the loading thereof, and to take, over and above any toll granted, the sum of twenty shillings a hundred weight, for every hundred weight which every such carriage, together with the loading thereof, should weigh over and above the weight of sixty hundred: and whereas divers toll-gates and turnpikes, erected and set up pursuant to several acts of parliament made for repairing and amending highways and publick roads, do stand and are situate at such places upon the said highways and roads respectively, as are not suitable or convenient for the erecting of proper engines and machines for the weighing of carriages as aforesaid; and it would tend to the preservation of the said roads and highways, and the benefit of the publick, if such engines were erected at some other part of the said roads: and whereas several persons driving carts, waggons, and other carriages, do frequently (in order to avoid paying the said duty or penalty of twenty shillings) take out part of the loading from the said carriages before they come to the said weighing engines, and reload them again after they have passed the said engines, to the great damage and hurt of the said roads, and contrary to the intention of the said act:* wherefore for remedying and preventing the said inconveniencies and mischiefs, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for all commissioners or trustees, appointed or hereafter to be appointed for the repair of any highway in that part of *Great Britain* called *England*, or any five of them respectively, to order or cause to be built or erected any crane, machine, or engine, for the weighing of carts, waggons, or other carriages, upon any part of the road within their respective jurisdictions, and at such distance from any turnpike, bar, or toll-gate, erected and set up in or upon the same road, as they respectively shall think requisite and expedient; and to cause all carriages travelling the said road (except such as are by the said act excepted) with their loading, to be weighed, and to take twenty shillings a hundred weight, for every hundred weight, which any such carriage with the loading thereof shall weigh, over and above sixty hundred weight; and which duty or payment of twenty shillings *per* hundred as aforesaid, shall be taken, levied, and applied in the same manner, as by the said act is directed; and all persons opposing the weighing the said carriages, or levying the said duty, shall be liable to the penalties by the said act inflicted on such offenders in the like case, to be levied and applied as is therein mentioned.

Trustees of the highways impowered to erect engines for the weighing of carriages,

and to take 20 s. for every hundred weight exceeding sixty;

recovery and application of the fines.

Penalty of opposing.

II. And

II. And be it further enacted, That if any person shall, after the tenth day of *June*, one thousand seven hundred and forty eight, unload or cause to be unladen any goods or merchandize, out of any waggon, cart, or other carriage (except such as in the said act is excepted) before such waggon, cart, or carriage shall come to any weighing engine, erected or to be erected by virtue or in pursuance of this present act, or any other act, made or to be made for the repair or preservation of any publick highway or road within this kingdom, in order to avoid the payment of the said duty of twenty shillings *per* hundred, or shall load or lay upon any such carriage, after the same shall have passed any such weighing engine, any goods, wares, or merchandize taken or laden from any horse, cart, or other carriage, belonging to, or hired, or borrowed by the same wagoner or carrier, every person so offending shall, for every such offence, forfeit and pay to the commissioners or trustees for repairing the road where any such offence shall be committed, the sum of twenty pounds, to be paid by, and recovered and levied upon the goods and effects of the owner of every such waggon or carriage, in such manner, as other forfeitures are by the said act directed to be recovered and levied; and the same forfeitures shall be applied to the repair of the said roads.

Penalty of unloading, in order to evade the 20s. fine.

III. *And whereas by an act made and passed in the third year of the reign of King* William *and Queen* Mary, *intituled*, An act for the better repairing and amending the highways, and for settling the rates of carriage of goods, *it is enacted, That the justices of the peace of every county, and other place within the realm of* England, *or dominion of* Wales, *should have power and authority, and they were thereby enjoined and required, at their next respective quarter session after* Easter, *yearly, to assess and rate the prices of all land carriage of goods whatsoever, to be brought into any place within their respective limits and jurisdictions, by any common waggoner or carrier, to be certified and published in such manner as is therein mentioned; and that no such common waggoner or carrier should take for the carriage of such goods or merchandize, above the rates and prices so set, upon pain to forfeit for every such offence the sum of five pounds, to be levied and recovered as is by the said act directed: and whereas no rates for the carriage of goods, from distant parts of the kingdom to the city of* London, *and places adjacent, have been yet settled, and several common waggoners and carriers have from thence taken occasion to enhance the price of carriage of goods to the prejudice and obstruction of trade*; be it therefore further enacted by the authority aforesaid, That if any common waggoner or carrier shall, after the tenth day of *June*, one thousand seven hundred and forty eight, demand and take any greater price for the bringing of goods to the city of *London*, or to any place within the bills of mortality, than is allowed and settled by the justices of the peace for the county or place from whence such goods are brought, for the carrying of goods from *London* to the said county or place, every such carrier or waggoner shall, for every such offence, forfeit and pay the sum of five pounds, to the use of

3 W. & M. c. 12.

Penalty of waggoners demanding a greater price for carriage than allowed.

of the party grieved, to be recovered and levied in the manner by the last-mentioned act directed, or by distress and sale of his goods, by warrant under the hands and seals of any two justices of the peace for the counties of *Middlesex* or *Surrey*, or city of *London*, or city and liberty of *Westminster*; and the clerk of the peace for every county and place shall, immediately after *Easter* session yearly, certify to the lord mayor of the city of *London*, and also to the respective clerks of the peace for the counties of *Middlesex* and *Surrey*, and city and liberty of *Westminster*, the rates and assessments made for the carriage of goods in pursuance of the said act, in their respective counties and places, which certificate, or an attested copy thereof, signed by the officer to whom the same shall be so transmitted, shall be taken and deemed sufficient evidence of the rates and prices set for the carrying of goods to any county or place.

Clerks of the peace to certify yearly the rates for carriage.

IV. And for the better discovery of offenders against this present act, be it enacted, That every common waggoner or carrier shall, after the first day of *July*, one thousand seven hundred and forty eight, place, write, or paint, or cause to be placed, written, or painted, upon some conspicuous part of his waggon or cart, before he shall use or drive the same, his christian and surname, and the place of his abode, in large or capital letters, upon pain to forfeit for every such offence the sum of twenty shillings, to be levied and recovered as aforesaid.

Waggoner's name and abode to be written on the carriage.

V. And be it further enacted, That if any action or actions shall at any time or times hereafter be brought against any person or persons whatsoever, for any matter or thing, which he, she, or they shall do or cause to be done by virtue or in execution of this act; that in such case the defendant or defendants, in every such action or actions, shall and may plead the general issue, and give this act, and the special matter in evidence, on any trial or trials to be hereafter had in such action or actions; and that if the plaintiff or plaintiffs, in any such action or actions shall discontinue such action or actions, or become nonsuit, or if judgement shall be given against such plaintiff or plaintiffs in such action or actions, that then the defendant or defendants, in every such action or actions, shall recover his or their treble costs of suit; any law, custom, or usage whatsoever to the contrary in any wise notwithstanding.

Limitation of actions.

General issue.

Treble costs.

## CAP. XXIX.

*An act for the further relief of the orphans and other creditors of the city of* London; *and for other purposes therein mentioned.*

WHEREAS *by an act passed in the fifth and sixth years of the reign of King* William *and Queen* Mary (*intituled*, An act for relief of the orphans and other creditors of the city of *London*) *it is amongst other things enacted, That for and towards raising a perpetual fund to pay the yearly interest of four pounds on every*

5 & 6 W. & M. c. 10.

*every hundred pounds due to the orphans and other creditors of the city of* London, *there should be paid on all sorts of coal or culm which should be imported into the port of the city of* London, *or the river of* Thames *within the liberty of the said city, upon the said river, from and after the nine and twentieth day of* September, *which should be in the year of our Lord one thousand seven hundred (over and above all other impositions and duties) the sum of six pence for every chaldron thereof, and for such sort of coals as are sold by the ton, for every ton thereof, containing two thousand weight, the like sum of six pence; which imposition of six pence was, by the said act, to continue from the said nine and twentieth day of* September, *for and during the term of fifty years, and no longer: and whereas it was further enacted by the said act, That from and after such time, as the aforesaid imposition of six pence thereby laid should cease and determine, all and every the manors, messuages, lands, tenements, markets, fairs, and the duties thereof, and all other the revenues of and belonging to the said city of* London, *in possession or reversion, should stand and be charged with the full yearly sum of six thousand pounds (over and above the yearly sum of eight thousand pounds, wherewith they were charged by the said act) towards the aforesaid perpetual fund: and whereas, by means of the great fall of rents in the city of* London, *the estate of the said city is not sufficient to pay the said yearly sum of six thousand pounds, over and above the said yearly sum of eight thousand pounds, which the said city now pays, and have a sufficient residue to answer and defray the expences necessary for supporting the government and publick charges of the said city: and whereas in case the said imposition of six pence* per *chaldron or ton of coals, should cease and determine on the nine and twentieth day of* September, *in the year of our Lord one thousand seven hundred and fifty, according to the said act, the residue of the funds appropriated by that act for the yearly payment of four pounds for interest on every hundred pounds principal money, due to the orphans and other creditors of the said city, together with the said additional yearly sum of six thousand pounds, would not be sufficient for that purpose:* therefore to enable the said city of *London* to defray the necessary expences of supporting the government and publick charges of the said city, and for the further relief of the orphans and other creditors of the said city, by securing to them the yearly interest of four pounds on every hundred pounds of their principal debt, until the said principal debt shall be paid off and discharged; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said imposition of six pence for every chaldron or ton of coals so imported, granted by the said act, to the mayor, commonalty, and citizens of the said city of *London*, during the term of fifty years, for the purposes therein mentioned, shall be and is hereby continued for the further term of thirty five years, from the expiration of the said term of fifty years; and that all and every the powers, authorities,

The duty of 6d. per chaldron on coals continued for 35 years,

rities, directions, and provisions, contained in the said act, for the collecting, levying, and recovering of the said imposition, and all the penalties thereby imposed, and regulations therein made, for preventing of fraud and covin, shall remain and be in force, and by virtue of this shall and may be exercised and put in ure, for the collecting, levying, and recovering the said imposition, for and during all the time by this act limited and appointed for the payment thereof, as if the same were expresly mentioned in this present act; all which monies so to be received upon account of the said imposition hereby continued for the further term of thirty five years, shall, from time to time, be paid into the receipt of the chamber of the city of *London*, and shall be appropriated to the purposes herein after declared; that is to say, the yearly sum of three thousand pounds, for and during the said term of thirty five years, shall be paid by the chamberlain of the said city for the time being, out of the produce of the said imposition, to the wardens and commonalty of the mystery of *Mercers* of the city of *London*, by half-yearly payments; that is to say, on the twenty fifth day of *March*, and the twenty ninth day of *September*, or within fourteen days after the same respectively shall become due; to be applied by the said wardens and commonalty of the mystery of *Mercers* of the city of *London*, towards the payment of annuities, and other debts, in such manner as by any act of parliament is or shall be directed; and the residue of the produce of the said imposition, during the said term of thirty five years, shall be, and is hereby appropriated to make part of the aforesaid fund, for paying the interest on the principal debt owing to the orphans and other creditors of the said city of *London*, in the same manner as the present imposition of six pence on every chaldron or ton of coals, so imported as aforesaid, is by the said act appropriated.

to be paid into the chamber of London.

3,000l. to be paid annually to the Mercers company.

Application of the residue.

II. And be it further enacted by the authority aforesaid, That from and after the said nine and twentieth day of *September*, which shall be in the year of our Lord one thousand seven hundred and fifty, all and every the manors, messuages, lands, tenements, markets, fairs, and the duties thereof, and all other the revenues of and belonging to the said city of *London*, in possession or reversion, shall stand and be charged with the full yearly sum of two thousand pounds and no more (over and above the said yearly sum of eight thousand pounds) which yearly sum of two thousand pounds is hereby appropriated and enacted to be applied to the same uses to which the said yearly sum of eight thousand pounds is by the said act made liable.

After 29 Sep. 1750, the revenues of the city to be charged with 2,000l. annually.

III. *And whereas the fund appropriated by the said act, for payment of the yearly interest of four pounds for every hundred pounds of the principal debt due to the orphans and other creditors of the city of* London, *has produced a very large surplus (over and above sufficient to pay the said interest) including the sum of twenty one thousand seven hundred thirty five pounds, seventeen shillings, and nine pence, due from the mayor, commonalty, and citizens of the said city of* London, *to the said fund, on the twenty fourth day of* June

now

*now last past, to make good the yearly sum of two thousand pounds, which, by virtue of the said act, ought to have been raised on the personal estates of the several inhabitants within the said city: and whereas it is fit and reasonable, that the said surplus as also all other surplusses, which shall arise from the said fund, as settled by the said act, to the nine and twentieth day of* September, *which shall be in the year of our Lord one thousand seven hundred and fifty, and from the fund as settled by this act from the last-mentioned day, should be applied, from time to time, to pay off and discharge such part of the principal debt owing by the said mayor, commonalty, and citizens, under the said act, as the same will amount unto*; be it therefore further enacted by the authority aforesaid, That the court of mayor and aldermen of the said city of *London*, shall be, and is hereby impowered and directed to order the chamberlain of the said city, out of any monies in his hands, arising from the impositions and duties appropriated to pay the said interest on the principal debt due to the orphans, and other creditors of the said city, after reserving sufficient monies to pay and discharge all interest which at that time may be due on the said principal debt, or such part thereof as shall be then unpaid, to pay to any person or persons, as the said court shall think fit, such sum or sums of money as shall be due to him, her, or them, for principal and interest, by virtue of the said act, giving three months notice to or for the person or persons so to be paid off and discharged; at the end of which three months, upon payment or tendering of the said monies due for principal and interest, to or for the person or persons to whom such notice shall be given, according to the provision hereby made, at the office of the said chamberlain, in *Guildhall*, *London*, then and from thenceforth the interest payable to such person or persons, to whom such notice, payment, or tender shall be given or made, shall cease and determine; nevertheless the monies so tendered shall be paid to such person or persons, upon their demand, and giving a discharge for the same; and the principal debt so paid off shall be annihilated.

Lord mayor and aldermen impowered to pay off the principal and interest due upon the recited act.

3 months notice of payment to be given.

IV. Provided, That no person, being an orphan of the said city of *London*, under the age of twenty one years, shall have the principal debt due to such orphan paid off and discharged, so long as there shall be any person, not an orphan under the age of twenty one years, proprietor of any part of the said principal debt due to the orphans and other creditors of the said city.

Orphans to be paid last.

V. And be it further enacted by the authority aforesaid, That after the said twenty ninth day of *September*, which shall be in the year of our Lord one thousand seven hundred and fifty, the chamberlain of the city of *London* for the time being shall, as soon as may be, lay before each house of parliament an account of the surplus arisen from the said fund to the twenty fourth day of *June* preceding, with an account how much thereof shall have been then applied to the payment of the principal debt, and also how much of the said principal debt shall be then owing; and shall afterwards, every year, lay before each house of parliament

Chamberlain to lay before the parliament an account of the surplus of the fund, and the debt undischarged.

parliament an account of the surplus which shall have arisen in that year, to the twenty fourth day of *June* preceding, how much thereof shall have been then applied to the payment of the said principal debt, and how much of the said debt shall then remain unpaid.

Limitation of actions.

VI. And be it further enacted, That if any action, plaint, suit, or information, shall be commenced or prosecuted against any person or persons, for what he or they shall do in pursuance or in the execution of this act, such person or persons shall or may plead the general issue thereunto; and upon trial of any issue joined, may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him, the defendant or defendants shall recover their costs; for which he or they shall have the like remedy, as in any case where costs by law are given to defendants.

General issue.

Publick act.

VII. And be it enacted by the authority aforesaid, That this present act shall be accepted, taken, and be reputed to be a general act of parliament; of which all and every the judge and judges of this kingdom, in all courts, shall take notice on all occasions whatsoever, as if it were a publick act of parliament relating to the whole kingdom.

## CAP. XXX.

### *An act for encouraging the making of indico in the* British *plantations in* America.

WHEREAS *the making of indico in the* British *plantations in* America *would be advantageous to the trade of this nation as great quantities are used in dying the manufactures of this kingdom; which at present being furnished from foreign parts, the supply of that necessary commodity is become at all times uncertain, and the price frequently exhorbitant: and whereas the culture thereof has been found to succeed so well in the provinces of* South *and* North Carolina, *that there is reason to hope, by a proper encouragement, the same may be encreased and improved to such a degree, as not only to answer all the demands of his Majesty's* British *subjects, but furnish considerable quantities to foreign markets*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled and by the authority of the same, That from and after the twenty fifth day of *March*, one thousand seven hundred and forty nine, all and every person or persons who shall import, or cause to be imported into this kingdom, directly from any of the *British* colonies or plantations in *America*, in any ship or vessel, ships or vessels, that may lawfully trade to his Majesty's plantations, manned as by law is required, any good and merchantable indico, free from any false mixtures, and fit for dyers use, being the growth or product of the colony or plantation from whence the same is imported, shall have, and be intitled to, a reward or *Præmium* for such importation, after the rate of sixpence for every pound weight of such

6d. per pound Præmium allowed on the importation of indico, of the growth of the British plantations.

such indico so imported as aforesaid, under such regulations as are herein after-mentioned, to be paid upon demand to the importer of such indico, by the collector of the port where the same shall be imported, out of the customs; and in case the collector of the port where the same shall be imported, shall not have money sufficient in his hands, he is hereby required to certify the same to the commissioners of the customs, who shall cause the same to be paid by the receiver general of his Majesty's customs (the bounty of the indico imported into *England*, to be paid by the receiver general of the customs in *England*, and of that imported into *Scotland* to be paid by the receiver general there.)

Persons loading indico, to produce a certificate from the planter, of the growth and quantity;

II. And in order to intitle the importer of the aforesaid indico to such *Præmium*, as well as to prevent frauds by importing foreign plantation-made indico, or any false mixtures in what is made in the *British* plantations, with a view of recovering the *Præmium*; be it further enacted by the authority aforesaid, That all and every person or persons, merchant, trader, or factor, loading any indico on board any ship or vessel, in any of the *British* colonies or plantations in *America*, shall, before the clearing out of the said ship for any port of *Great Britain*, produce to the governor, lieutenant governor, collector, and comptroller of the customs, and naval officer, or any two of them, a certificate or certificates, signed and sworn to before any justice of the peace in the said *British* colonies or plantations, by the planter or planters of the said indico, or his or their known agent or factor, that a quantity of indico, expressing the weight thereof, had been sent from the said planter's indico work or plantation, where the same was made, in order to be shipped off, or sold by him to the person or persons therein named, and was of the growth and produce of the said planter's plantation, situate in the district, division, or parish of within the island or colony of which said certificate or certificates shall be attested by the said justice of the peace to have been signed and sworn to in his presence, who is hereby required to do the same without any fee or reward.

and also to sign a certificate that the indico shipt is the same mentioned in the said certificate.

III. And be it further enacted, That the person or persons, merchant, trader, or factor shall, at the time of his producing such certificate, sign also a certificate before the said governor, lieutenant governor, collector, and comptroller of the customs, and naval officer, or any two of them, that the indico which he or they have shipped on board the said ship or vessel, is the same mentioned in the said certificate or certificates; and thereupon the said governor, lieutenant governor, collector, and comptroller of the customs, and naval officer, or any two of them, are hereby authorized and required to deliver to such person or persons a certificate, under their hands and seal of office, of his or their having received such certificate or certificates; and that at the same time one or more certificate or certificates of the several planter or planters, their known agent or factor, had been produced to, and left with them, pursuant to the directions of

Officer to certify such certificates.

this act; and no person or persons whatsoever importing indico, into *Great Britain*, shall be entitled to the *Præmium* or reward by this act granted, unless such person or persons shall produce such certificate to the chief officer of the customs at the port in *Great Britain*, where the same shall be imported.

Certificates to be given by the master of the vessel and by the officers of the customs.

IV. And be it further enacted by the authority aforesaid, That on the importation of any indico into *Great Britain*, a certificate shall be given by the master or commanding officer of such ship or vessel importing such indico, that the same was shipped on board such ship or vessel, within such *British* colony or plantation in *America*, as is mentioned in the said certificate; and also a certificate signed by the surveyors, land waiters, or searchers, or any two of them, officers of the customs of the port where the same is entered and landed in *Great Britain*, specifying the weight thereof, and that the said indico is good and merchantable, free from false mixtures, and of such quality as to be intitled to the said *Præmium* or reward; which certificate the said officers are hereby required to grant within ten days next after the landing thereof, unless they can assign sufficient cause for their refusal; upon producing which several certificates to the proper officer as aforesaid, such officer shall be, and is hereby required to pay the *Præmium* to the importer of the said indico.

Penalty of making entry of foreign-made indico, or any false mixture.

V. And be it further enacted by the authority aforesaid, That if any person or persons shall make or cause to be made, an entry or entries of foreign-made indico, under the name of *British* plantation-made indico, or shall mix, or cause to be mixed, any foreign indico, or other false mixture or matter, with that made in the *British* plantations, in order to claim or recover the *Præmium*, as before-mentioned, every person or persons so making, or causing to be made, such entry or entries, or mixing, or causing such mixtures to be made, shall forfeit all such indico so entered; and in case of such mixture, the quantity so mixed, both foreign and *British* plantation-made, and likewise double the value thereof, shall be forfeited by the person or persons who shall make or cause such mixture or mixtures to be made.

VI. And be it further enacted by the authority aforesaid, That no certificate shall be made out to allow the *Præmium* for such indico to be made in, and imported from the *British* plantations, that is not good and merchantable, and free from any false mixture.

Officers of the customs to examine the indico.

VII. And that the officers of the customs may be the better able to discover any frauds intended for the receiving the aforesaid *Præmium*, be it further enacted by the authority aforesaid, That it shall and may be lawful for the said officers, and they are hereby required, before they make out any such certificate, to examine the said indico, by opening each package, and shifting the same, in such manner as to see the whole contents, or by such other means as they shall think proper, to find out and dis-

discover whether the indico is good and merchantable, and free from any false mixture.

VIII. And in order to fix the standard of such indico as shall be intitled to the *Præmium* aforesaid, be it further enacted by the authority aforesaid, That no certificate shall be granted by any surveyor, or other officer of his Majesty's customs, for any indico, which is not worth three shilling the pound weight, when the best *French*, or other indico, of equal goodness with the best *French*, is worth four shillings the pound weight; and so in the same proportion, in case the price of the best *French*, or other indico of equal goodness, shall be at a higher or lower price.

Standard of indico intitled to the Præmium.

IX. Provided always, That in case any doubt or dispute shall arise between the surveyors, or officers of the customs, and the owners or importers of such indico as is imported into the port of *London*, as to the quality of the same, it shall and may be lawful for the commissioners of his Majesty's customs, to call two or more dyers, dry salters, brokers, or others, well skilled, in that commodity, who shall declare upon oath, if required, their opinion, as to the quality of the same, and according to the best of their judgement determine whether the said indico is intitled to the *Præmium* hereby granted or not; and if any doubt or dispute shall arise, as to the quality of the indico imported as aforesaid, into the out-ports in *England*,, samples thereof shall be taken and sent up to the commissioners of the customs at *London*, and into the out-ports in *Scotland*, to the commissioners of the customs at *Edinburgh*, in such manner, as the respective commissioners shall direct, in order to be inspected and adjudged there as before mentioned.

Method of settling disputes about the quality.

X. And be it further enacted by the authority aforesaid, That no fee, gratuity, or reward shall be demanded, taken, or received by any officer of his Majesty's customs, for the examining, viewing, or delivering such indico, with respect to the *Præmium* or reward allowed by this act, or for the signing any of the certificates, in order to the receiving such *Præmium* or reward, or for paying the same, and any such officer demanding or taking such fee or reward, shall, for such offence, forfeit his office, and such officer shall also be incapable of serving his Majesty, his heirs and successors, and shall forfeit the sum of one hundred pounds.

No fee to be paid to the officers.

XI. And be it further enacted by the authority aforesaid, That all certificates made, or debentures made out pursuant to this act, shall not be chargeable with any of the stamp duties; any law or statute to the contrary notwithstanding.

Certificates not chargeable with stamp duties.

XII. And be it further enacted by the authority aforesaid, That if any indico, made in the *British* colonies or plantations in *America*, shall, after the twenty fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and forty nine, be exported from *Great Britain*, that then and in every such case the person or persons so exporting the same, shall, before the entry thereof, pay unto the collector of the customs at the port where the same shall be exported. or to the chief

Exporters to repay the Præmium.

chief officer of the customs there, the full sum of sixpence for every pound weight, which is allowed as a *Præmium* by this act on all such indico as he intends to export, over and above any duty the same is now by law subject to pay at exportation by any former act.

Penalty of exporting indico without paying the Præmium.

XIII. And be it further enacted by the authority aforesaid, That if any person or persons, his or their agent or agents, assignee or assigns, shall be found fraudulently to export such indico, without paying such *Præmium* to the collector or chief officer of the customs as aforesaid, such person or persons shall forfeit and lose all such indico, and double the value thereof.

Owner to prove the growth.

XIV. Provided always, That if any doubt or dispute shall arise, whether any of the said indico, or any part thereof so to be exported, is of the growth, product, and manufacture of the *British* plantations in *America*, or of foreign growth, product, or manufacture, the *Onus probandi* shall lie on the owner or claimer thereof, and not on the informer or prosecutor; any law, custom, or usage to the contrary notwithstanding.

Penalty of granting false certificates.

XV. And be it enacted by the authority aforesaid, That if any governor, lieutenant governor, collector, or comptroller of the customs, naval officer, merchant, trader, or factor, or master or commander of any ship or vessel, or any other person or persons, shall during the continuance of this act, falsly make a certificate of the produce and manufacture of any indico, not being the produce and manufacture of the *British* plantations in *America*, or shall counterfeit any such certificate as herein before is directed to be made, in order to obtain the *Præmium* hereby granted for indico made in the *British* plantations in *America*, all and every such person and persons shall forfeit the sum of two hundred pounds; and if such person or persons so offending, shall be a collector, comptroller, or naval officer, or any other officer of the customs, he shall also forfeit and lose his office, and be incapable of serving his Majesty, his heirs and successors.

Penalties how to be recovered.

XVI. And be it further enacted by the authority aforesaid, That the several penalties and forfeitures by this act inflicted, shall and may be prosecuted, determined, and recovered by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, or in any of the courts of admiralty in his majesty's plantations in *America* respectively, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

Application of the forfeitures.

XVII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act imposed shall, if in *Great Britain*, be applied, one moiety to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons as shall sue for the same; and all such penalties and forfeitures as shall be incurred in his Majesty's plantations in *America*, shall be applied, one third part thereof to the use of his Majesty, his heirs and successors, one other third part thereof to the use of the governor of the plantation where the forfeiture shall

shall be incurred, and the remaining third part to such person or persons who shall sue for the same.

XVIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, every such action or suit, if in *Great Britain*, shall be commenced within six months next after the fact committed; and if in the *British* colonies or plantations in *America*, within eighteen months next after the fact committed, and not afterwards; and the defendant or defendants, in any such action or suit, may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants have in other cases by law. Limitation of actions. Treble costs.

XIX. And be it further enacted by the authority aforesaid, That this act, and all the powers and authorities therein contained, shall continue and be in force for and during the term of seven years to commence from the twenty fifth day of *March*, one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament, and no longer. Act to be in force for 7 years.

## CAP. XXXI.

### *An act for relief of insolvent debtors.* EXP.

WHEREAS *many persons by losses and other misfortunes, are rendered incapable of paying their whole debts; and though they are willing to make the utmost satisfaction they can, are nevertheless detained in prison by their creditors: and whereas such unhappy debtors have always been deemed the proper objects of publick compassion, and by several acts of parliament have been discharged:* for the relief therefore of insolvent prisoners, who shall faithfully discover, upon oath, and deliver up and assign, all their effects and estates whatsoever for the benefit of their creditors; and to prevent, as far as possible, the many frauds and abuses, which in a great measure have obstructed the good ends of such acts, be it enacted, *&c.*

Sheriffs and gaolers to deliver a list of their prisoners, &c. to the justices, &c. Oath to be entered at the end of every list. To be kept by the clerk of the peace. Sheriffs and gaolers to set up three or more lists at the entrance into the prisons. Persons inserted in the lists, and prisoners, on 1 Jan. 1747. shall be discharged. They are to deliver in a schedule of their estates, &c. and make oath. Schedule to remain with the clerk of the peace, who is to assign the effects to the assignees, to be divided among the creditors. Assignees of copyhold estates to agree with the lord of the manor. On such agreement, lord to grant to the assignees the copyhold. Not to affect any estate in expectancy. Rent due from a prisoner, the goods

goods to be transferred to the landlord. This act not to extend to mortgages, nor to prevent any statute-staple, &c. Power of leasing lands, &c. claimed by any prisoner, vested in the assignees. Justices who grant warrants for bringing prisoners to the quarter-sessions, shall give notice to be served on the creditors. Prisoners to give like notice to the creditors, and publick notice in the London Gazette 30 days before the sessions. The prisoner's oath not being disproved, &c. the justices are to discharge him. Court, if required by the creditor, to administer an oath to the gaoler. Debtors beyond sea on 1 Jan. 1747. may surrender themselves, and be intitled to the benefit of this act, but subject to the same restrictions, as the other prisoners. 100l. penalty on gaolers not complying with the act, and printer of the London Gazette. Gaolers forswearing themselves, to forfeit 500l. Gaolers inserting wrong names in their lists, to forfeit 200l. Clerk of the peace, not giving a duplicate to the prisoner of his discharge, to forfeit 20l. Prisoner forswearing himself, guilty of felony. Prisoner discharged for debts before 1 Jan. 1747. shall not be imprisoned for the same again. Discharge of prisoners not to acquit any other. Judgements to stand good against his lands, &c. Persons discharged may plead generally in discharge of their persons from execution. Bankrupts not obtaining a certificate, &c. not benefited hereby. Attornies not to be discharged from debts received, and due by them to their clients. Not to extend to Scotland. Gaoler to permit persons to see those whose names are in the lists, &c. under penalty of 40l. Prisoners not declaring the person at whose suit he is detained, or not coming, to receive no benefit. Gaoler making false entries, forfeits 1000l. Petitioner to leave with the justices a copy of his intended discovery. Justices of York and Lincoln to meet at the common gaols of the counties. Debtors in gaols only for fees, discharged. Not to discharge debtors to the crown, or owing above 500l. to one person. Creditors to allow not exceeding 3s. 6d. per week for his maintenance. Discharges to be obtained before 25 Dec. 1750, or excluded. Prisoners removed from one prison to another, both gaolers to make affidavit. Prisoners in the Fleet or King's Bench by Habeas Corpus, &c. to have the benefit of this act. Persons seized of an estate tail claiming the benefit of this act, to deliver the same to their creditors. Assignees to apply to two justices to examine persons who shall obtain their discharge, for discovery of estates, &c. Refusing to appear, or to be sworn, justices may commit them. Discoverers of the debtors estates in 12 months after discharge; to have 20l. per cent. Discharge obtained fraudulently, void. Creditors may compel debtors who choose to continue in prison, to give an account upon oath of their effects, &c. on 30 days notice in the London Gazette. Such prisoners to be examined as the rest. Assignees impowered to make composition with debtors to the prisoner. Disputes to be settled by arbitrators. Courts at Westminster, on complaint, may remove assignees. On mutual credit, assignees to allow the balance. Prisoners upon processes out of courts of conscience to have the benefit of this act. Quakers affirmation to be taken, &c. Persons who had the benefit of the act of 16 Geo. 2. c. 17. excluded.

## CAP. XXXII.

*An act for the relief of the annuitants of the wardens and commonalty of the mystery of* Mercers *of the city of* London.

WHEREAS *by indentures of lease and release, bearing date respectively the third and fourth days of* October, *one thousand six hundred and ninety nine, and inrolled in the high court of* Chancery, *the wardens and commonalty of the mystery of* Mercers *of the city of* London, *for the considerations therein mentioned, did grant and release unto Sir* William Hedges, *and several other persons therein named as trustees, their heirs and assigns, divers messuages or tenements, tofts, gardens, grounds, and hereditaments, of and belonging*

*ing to the said wardens and commonalty, situate and being in the city of* London, *and in the county of* Middlesex, *therein more particularly mentioned and described, with their and every of their appurtenances, together with one full moiety of all that great fabrick and place called the* Royal Exchange, London, *and other tenements and hereditaments in, under, upon, or near unto the same, therein more particularly mentioned and described; and also all that the manor of* Mercers, *with the rites, members, and appurtenances thereof, lying and being in the county of* Londonderry *in* Ireland, *and divers other lands, tenements, and hereditaments in* Ireland, *in the same indentures more particularly mentioned and described, upon trust, in the first place, to satisfy and pay, out of the rents and profits thereof, all such charitable gifts and payments wherewith the said premisses were charged, mentioned in the schedule to the said indenture of release annexed; and in the next place to pay, free and clear of all taxes and charges, all and every the annuity or annuities to be granted by the said wardens and commonalty, at the rate of thirty pounds* per centum per annum, *during the respective lives of the wives of clergymen, or of other persons, that should survive their husbands, to commence from such of the feasts of the annunciation of the blessed Virgin, or Saint* Michael *the archangel, as should happen within six months after the death of their respective husbands, and after payment of such annuities, in trust for the said wardens and commonalty, and their successors for ever; and whereas by indentures of lease and release, bearing date respectively the fifteenth and sixteenth days of* May, *one thousand seven hundred and seventeen, inrolled in the high court of* Chancery, *the same premisses were charged with the payment of such future annuities as should be granted by the said company at the rate of twenty five pounds* per centum per annum: *and whereas by indenture inrolled in the said court of* Chancery, *bearing date the twenty fourth day of* May, *one thousand seven hundred and twenty three, and made between the said wardens and commonalty of the one part, and the surviving trustees named in the said indenture of release of the sixteenth day of* May, *one thousand seven hundred and seventeen, of the other part; it is declared and agreed, That all such annuities to be granted by the said wardens and commonalty, after the twenty fourth day of* June *then next ensuing, should be only after the rate of twenty pounds* per centum, *and no more: and whereas by indentures of lease and release, bearing date the first and second days of* June, *one thousand seven hundred and forty one,* Richard Chiswell *the elder, Sir* Thomas Webster, David Papillon, *and* Clement Tookie, *therein named, being then the only surviving trustees in the said indentures of lease and release of the fifteenth and sixteenth of* May, *one thousand seven hundred and seventeen, did by the direction and appointment of the said wardens and commonalty, grant and convey the said several trust estates to the use of themselves, and other trustees therein named, their heirs and assigns, upon such trusts, and to and for such intents and purposes, and under and subject to such provisoes and agreements as are mentioned, expressed, and declared, of and concerning the same premisses, in and by the said two indentures of release, and the said in-*

 *den-*

*denture of the twenty fourth day of* May, *one thousand seven hundred and twenty three, herein before mentioned or recited, save and except as to future annuities, to be granted by the said wardens and commonalty, which were only to be at the rate of fifteen pounds* per centum per annum: *and whereas by indenture inrolled in the said court of* Chancery, *bearing date the twenty third day of* July, *one thousand seven hundred and forty two, and made between the said wardens and commonalty of the one part, and the trustees named and appointed in and by the said indenture of the second of* June, *one thousand seven hundred and forty one, of the other part; liberty was given to the said wardens and commonalty for the future, to grant such annuities at the rate of twenty pounds* per centum per annum: *and whereas the present clear income of the said estates does not exceed four thousand one hundred and fifty pounds a year, and the annuities now due and payable by the said wardens and commonalty to the several and respective annuitants amount unto seven thousand five hundred pounds a year, and upwards; and the arrears of such annuities, due and owing to the said annuitants at* Michaelmas, *one thousand seven hundred and forty seven, amounted to the sum of nine thousand six hundred twenty eight pounds, two shillings, and six pence; so that the estates settled for the payment of such annuities are not sufficient for that purpose, and many of the said annuitants now are in a very distressed condition: and whereas several persons have heretofore given or left unto the said wardens and commonalty several estates and sums of money for certain charitable uses: and whereas the* Royal Exchange *of the city of* London *was, by the dreadful fire in the year one thousand six hundred and sixty six, consumed; and the said wardens and commonalty, together with the city of* London, *were at a very great expence in rebuilding the same: by which means, and by other publick losses and misfortunes, the said wardens and commonalty have long laboured under great difficulties, and have taken up and borrowed great sums of money upon bonds, and are otherwise become indebted in a much greater sum than they are able to pay and satisfy: and whereas by an act of this session of parliament, intituled,* An act for the further relief of the orphans and other creditors of the city of *London*, and for other purposes therein mentioned; *it is enacted, That the imposition of six pence* per *chaldron on every chaldron of coals or culm, and of six pence* per *ton on every ton of coals usually sold by the ton, which was by an act of the fifth and sixth years of the reign of the late King* William *and Queen* Mary, *intituled,* An act for the relief of the orphans, and other creditors of the city of *London, granted to the mayor and commonalty, and citizens of the city of* London, *on all sorts of coals or culm, which should be imported into the port of the city of* London, *from and after the twenty ninth day of* September, *in the year of our Lord one thousand seven hundred, for and during the term of fifty years, shall be continued and paid for and during the term of thirty five years, from the expiration of the said term of fifty years, and no longer; and that the monies arising thereby shall be paid into the receipt of the chamber of the city of* London, *and appropriated to the purposes therein after declared; that is to say, the yearly sum of three thou-*

*sand*

*sand pounds for and during the said term of thirty five years, shall be paid by the chamberlain of the said city, for the time being, out of the produce of the said imposition, to the wardens and commonalty of the mystery of* Mercers *of the city of* London, *by half-yearly payments; that is to say, on the twenty fifth day of* March, *and the twenty ninth day of* September, *or within fourteen days after the same shall respectively become due, to be applied by the said company of* Mercers *towards the payment of annuities, and other debts, in such manner as by an act of parliament is or shall be directed*; may it therefore please your most excellent Majesty that it may be enacted, *&c.*

A general account to be made out of the sums that shall be due to the annuitants on 29 Sept. 1750. to be entered in a book, and signed by the wardens. Clerk to deliver to annuitants requesting it a note of the sum due. The debt deemed to be a principal sum, and to carry 3l. per cent. interest. The yearly sum of 3000l. payable by the chamber of London, shall be applied towards payment of the annuities, and the surplus to the interest of the arrears, &c. And afterwards to the other creditors. Annual meeting of the annuitants, shall chuse nine auditors of the accounts. Court of assistants to examine the accounts, if no auditors are chosen, or refuse to attend. An account of the receipts and application of the monies to be laid before parliament. Money due may be transferred. Assignment of annuities made since 29 September, 1745, declared redeemable. Wardens restrained from taking in further subscriptions for annuities. Differences between wardens and annuitants to be determined by the court of exchequer. Wardens, &c. impowered to grant building leases, and to lease their estates in Ireland, and Long Acre in Middlesex. Deeds of annuities not affected by this act. *Amended* 24 Geo. 2. c. 14.

## CAP. XXXIII.

*An act to continue and amend several laws for the relief of debtors with respect to the imprisonment of their persons; and to rectify a mistake in an act passed in the last session of parliament for continuing several laws therein mentioned; and to continue two acts, the one passed in the nineteenth year, the other in the twentieth year of his present Majesty's reign, to prevent the spreading of the distemper amongst the horned cattle.*

WHEREAS *the laws herein after-mentioned (which have by experience been found useful and beneficial) are near expiring*; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the second year of the reign of his present Majesty, intituled, *An act for the relief of debtors with respect to the imprisonment of their persons*; which was to continue in force for the term of five years, and from thence to the end of the then next session of parliament; and was explained and amended by an act made in the third year of the reign of his present Majesty; and which by another act made in the eighth year of the reign of his present Majesty, was fur-

2 Geo. 2. c. 22. for relief of debtors continued to 1 June, 1754. &c.

3 Geo. 2. c. 27.

8 Geo. 2. c. 24.

further explained, and amended, and continued, until the twenty fifth day of *March*, one thousand seven hundred and forty, and from thence to the end of the then next session of parliament; and which by another act made in the fourteenth year of the reign of his present Majesty, with the several clauses and articles therein contained (except the clause in the said last-mentioned act, for setting mutual debts one against the other, which by the said act is made perpetual) was further continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament; and the several articles and clauses therein contained, not hereby altered, except the clause for setting mutual debts one against the other, which is already made perpetual, shall, together with the alterations and amendments herein after made, be and remain in full force and virtue, until the first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

14 Geo. 2. 34.

Persons claiming benefit of the recited act, to set forth an account of their real and personal estate,

II. And for the better preventing persons who take the benefit of the said recited act, made in the second year of his present Majesty's reign, from concealing or fraudulently disposing of their effects, be it enacted by the authority aforesaid, That from and immediately after the expiration of this present session of parliament, every person who shall exhibit a petition in pursuance of the said recited act, shall, in such petition, not only set forth an account of all the real and personal estate, which such person so petitioning was intitled to at the time of his or her petition, but also of all the real and personal estate which he or she was intitled to at the time of his or her first imprisonment, in the action in which such person is charged in execution; and every person so petitioning shall, instead of the oath required by the said recited act, take, and the court shall administer an oath to the effect following, *videlicet*;

and take the following oath.

I A. B. *do swear, in the presence of Almighty God, That the account by me delivered into this honourable court, in my petition to this court, doth contain a true and full account of all the real and personal estate, debts, credits, and effects whatsoever, which I or any in trust for me, at the time of my first imprisonment in this action, or at any time since, had or was in any respect intitled to in possession, reversion, or remainder (except the wearing apparel, and bedding for me and my family, and the tools or instruments of my trade or calling, not exceeding ten pounds in value in the whole) and also an account how much of such real and personal estate, debts, credits, or effects, hath been since disposed of, released, or discharged, and how, to whom, and on what consideration, and for what purpose, and how much thereof, I or any in trust for me have, or at the time of my said petition had, or am or was in any respect intitled to in possession, remainder, or reversion; and that I have not, at any time before or since my imprisonment, directly or indirectly, sold, leased, assigned, mortgaged, pawned or otherwise disposed of, or made over in trust for myself,*

*myself, or otherwise than is mentioned in such account, any part of my lands, estates, goods, stock, money, debts, or other real or personal estate, whereby to have or expect any benefit or profit to myself, or to defraud any of my creditors to whom I am indebted.*

III. *And whereas an act made in the eighth year of the reign of his late Majesty, intituled,* An act to prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ships breaking their quarentine; and to subject copper ore of the production of the *British* plantations, to such regulations as other enumerated commodities of the like production are subject; *which was to be in force for two years, from the twenty fifth day of* March, *one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; and by several subsequent acts (except the clause obliging all ships and vessels to perform quarentine) was to have further continuance, to the first day of* June, *one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament: and whereas by an act made in the twentieth year of the reign of his present Majesty, the said act was intended to be further continued to the first day of* June, *one thousand seven hundred and fifty four, but by mistake, the year one thousand seven hundred and forty seven was inserted therein, instead of the said year one thousand seven hundred and fifty four*; therefore for rectifying the said mistake, be it further enacted by the authority aforesaid, That the said act shall be, and is hereby further continued, from the expiration thereof, until the first day of *June*, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

8 Geo. 1. c. 18. continued to 1 June, 1754, &c.

20 Geo. 2. c. 47.

IV. *And whereas an act made in the nineteenth year of the reign of his present Majesty (intituled,* An act to enable his Majesty to make rules, orders, and regulations more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom) *which was to continue and be in force for the space of eight months, and to the end of the then next session of parliament; and by an act made in the twentieth year of the reign of his present Majesty, was explained, amended, and continued, and to be in force with the said last-mentioned act, for the space of eight months, from the tenth day of* January, *one thousand seven hundred and forty six, and from thence to the end of the then next session of parliament: and whereas the contagious distemper still continues to rage amongst the oxen, bulls, cows, calves, steers, and heifers, in several parts of this kingdom*; be it therefore further enacted by the authority aforesaid, That the said acts of the nineteenth and twentieth years of the reign of his present Majesty, shall be, and the same are hereby further continued, from the expiration thereof, until the twenty fourth day of *September*, one thousand seven hundred and forty eight, and from thence to the end of the then next session of parliament.

19 Geo. 2. c. 5. & 20 Geo. 2. c. 4. continued to 24 Sept. 1748.

## CAP. XXXIV.

*An act to amend and enforce so much of an act made in the nineteenth year of his Majesty's reign, as relates to the more effectual disarming the Highlands in* Scotland, *and restraining the use of the Highland dress, and to masters and teachers of private schools and chaplains; and to explain a clause in another act made in the same year, relating to letters of orders of episcopal ministers in* Scotland; *and to oblige persons allowed to carry arms, and the directors of the banks there, and certain persons belonging to, or practising in the courts of session and justiciary, to take the oaths; and to repeal some clauses in an act made in the first year of the reign of his late majesty King* George *the First, whereby certain encouragements are given to landlords and tenants in* Scotland, *who should continue in their duty and loyalty to his said late Majesty; and for other purposes therein mentioned.*

19 Geo. 2. c. 39. See 26 Geo. 2. c. 29.

WHEREAS *by an act made in the nineteenth year of the reign of his present Majesty, intituled,* An act for the more effectual disarming the highlands in *Scotland*; and for more effectually securing the peace of the said highlands; and for restraining the use of the highland dress; and for further indemnifying such persons as have acted in defence of his Majesty's person and government, during the unnatural rebellion; and for indemnifying the judges and other officers of the court of justiciary in *Scotland*, for not performing the northern circuit in *May*, one thousand seven hundred and forty six; and for obliging the masters and teachers of private schools in *Scotland*, and chaplains, tutors, and governors of children or youth, to take the oaths to his Majesty, his heirs or successors, and to register the same; *it was amongst other things enacted, That from and after the first day of* August, *one thousand seven hundred and forty six, it should be lawful for the respective lords lieutenants of the several shires of* Dunbartain, Sterling, Perth, Kincardin, Aberdeen, Inverness, Nairn, Cromarty, Argyle, Forfar, Bamff, Sutherland, Caithness, Elgin, *and* Ross; *and for such other person or persons as his Majesty, his heirs or successors should by his or their sign manual, from time to time, think fit to authorize and appoint in that behalf, to issue or cause to be issued out letters of summons in his Majesty's name, and under his or their respective hands and seals, directed to such persons within the said several shires and bounds, as he or they from time to time shall think fit; thereby commanding and requiring all and every person and persons therein named, or inhabiting within the particular limits therein described, to bring in, and deliver up, at a certain time and place, in such summons to be mentioned, all and singular his and their arms and warlike weapons, unto such lord lieutenant, or other person or persons so to be authorized or appointed in that*

*that behalf as aforesaid, for the use of his Majesty, his heirs or successors, and to be disposed of in such manner, as his Majesty, his heirs or successors should appoint; and that if any person or persons in such summons mentioned by name, or inhabiting within the limits therein described, should be convicted in manner therein mentioned, of having or bearing any arms or warlike weapons, after the day prefixed in such summons, every such person or persons should forfeit the sum of fifteen pounds sterling, and should be committed to prison, until payment of the said sum; and if any person or persons convicted as aforesaid, should refuse or neglect to make payment of the aforesaid sum of fifteen pounds sterling, within the space of one calendar month from the date of such conviction, then any one or more of his Majesty's justices of the peace, or the judge ordinary of the place, where such offender or offenders was or were imprisoned (in case he or they shall judge such offender or offenders fit to serve his Majesty as a soldier or soldiers) were thereby respectively authorized and required to cause him or them to be delivered over to such officer or officers, as is therein mentioned, to serve as soldiers in any of his Majesty's forces in* America: *and that after reading the articles of war against mutiny and desertion, and making such entry and certificate thereof as is thereby directed, every person so delivered over should be deemed a listed soldier to all intents and purposes, and should be subject to the discipline of war, and in case of desertion, should be punished as a deserter; and that in case such offender or offenders should not be judged fit to serve his Majesty as aforesaid, then he or they should be imprisoned for the space of six calendar months, and also until he or they should give sufficient security for his or their good behaviour for the space of two years from the giving thereof: in which said in part recited act is contained a proviso, That no peers of this realm, nor their sons, nor any members of parliament, nor any person or persons, who, by virtue of an act of parliament made in the first year of the reign of his late majesty King* George *the First, therein recited or referred to, were allowed to have or carry arms, notwithstanding the prohibition in the said act contained, of having, wearing, or bearing arms, should be liable to be summoned to deliver up their arms or warlike weapons; and that neither the said recited act of the nineteenth of his present Majesty, nor the said act of the first year of his said late Majesty therein referred to, should be construed to extend to exclude or hinder any person, whom his Majesty, his heirs or successors, by licence under his or their sign manual, should permit to have or wear arms, or who should be licensed to wear arms by any writing or writings under the hand and seal, or hands and seals of any person or persons authorized by his Majesty, his heirs or successors, to give such licence, for keeping, bearing, or wearing such arms and warlike weapons, as in such licence or licences should for that purpose be particularly specified: and it was thereby further enacted, That from and after the first day of* August, *one thousand seven hundred and forty seven, no man or boy within that part of* Great Britain *called* Scotland, *other than such as should be employed as officers and soldiers in his Majesty's forces, should, on any pretence whatsoever, wear or put on the clothes commonly called highland clothes; that is to say, the plaid,* 1 Geo. 1. c. 54.

*philibeg, or little kilt, trowse, shoulder belts, or any part whatsoever of what peculiarly belongs to the highland garb; and that no* Tartan *or parti-coloured plaid or stuff should be used for great coats, or for upper coats, under the penalties therein mentioned: and it was thereby further enacted, That from and after the first day of* November, *one thousand seven hundred and forty six, no person should exercise the employment, function, or service of a chaplain in any family in that part of* Great Britain *called* Scotland, *or of a governor, tutor, or teacher of any child, children, or youth residing in* Scotland, *or in parts beyond the seas, without first qualifying himself by taking the oaths thereby directed and appointed, and causing a certificate of his having so done to be entered or registered as is therein directed, under the pains and penalties therein mentioned: and that it should not be lawful for any person in* Scotland *to keep a private school for teaching* English, Latin, Greek, *or any part of literature, or to officiate as a master or teacher in such school for literature, other than as therein mentioned, until the situation and description of such private school be first entered and registered, with a certificate of his having qualified himself by taking the oaths appointed by law as therein mentioned; and such master or teacher is thereby required, as often as prayers shall be said in such school, to pray, or cause to be prayed for, in express words, his Majesty, his heirs and successors, by name: and whereas it hath been found by experience, that so much of the said act as is herein before recited is not sufficient or effectual to answer the purposes thereby intended, and that it is necessary to enforce the same by some new provisions and regulations*; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for the respective lieutenants of any of the fifteen shires in the said recited act for that purpose named, and for such other person or persons as in pursuance of the same act hath or have been authorized by his Majesty, or shall hereafter be authorized by his Majesty, his heirs or successors, to issue out letters of summons for the delivering of arms and warlike weapons as is therein mentioned, to nominate and appoint by writing under their respective hands and seals, such person or persons as they respectively shall think fit, to receive the arms or warlike weapons so to be delivered up in obedience to any such summons from any person or persons so delivering up the same at the days and places to be for that purpose mentioned in any such summons, and the person or persons so nominated or appointed to receive any such arms or warlike weapons, shall transmit, or cause the same to be transmitted to such place or places as such lieutenant or other person authorized as aforesaid shall direct and appoint; and all and every person and persons, obliged by the said recited act to deliver up his, her, or their arms or warlike weapons, shall incur the like penalties and forfeitures, and be subject to the same punishments respectively, for having or bearing arms or warlike weapons after the day prefixed in any such summons, issued in

The lieutenants appointed to issue summons for the delivering up of arms, &c.

to nominate persons to receive the same.

Penalty of not delivering up arms.

pursuance

purſuance of the ſaid recited act, and this preſent act, as he, ſhe, or they are by the ſaid recited act made ſubject or liable to for having or bearing arms or warlike weapons, contrary to the true intent and meaning of the ſaid recited act.

Part of the recited act relating to the not ſummoning of peers, &c. to deliver up their arms, repealed.

II. And it is hereby further enacted by the authority aforeſaid, That ſo much of the ſaid recited act, whereby it is enacted, That no peers of this realm, nor their ſons, nor any members of parliament, nor any perſon or perſons, who by the ſaid act of the firſt year of his late Majeſty were allowed to have or carry arms, ſhould by virtue of the ſaid recited act be liable to be ſummoned to deliver up their arms or warlike weapons, be, and the ſame is hereby repealed.

The prohibition in 1 Geo. 1. and 19 Geo. 2. &c. of having arms, not to extend to perſons qualified as herein deſcribed.

Number of arms limited.

*Amended by* 26 Geo. 2. c. 29.

III. And be it further enacted, That the prohibition contained in the ſaid act of the firſt year of his ſaid late Majeſty's reign, or in the ſaid act of the nineteenth year of his preſent Majeſty's reign, or in this act, of having, keeping, bearing, or wearing any arms or warlike weapons, and the pains and penalties aforeſaid, ſhall not extend, or be conſtrued to extend to any officers, or their aſſiſtants, employed in the execution of juſtice, nor to prohibit or hinder any perſon, who is qualified to vote at elections of parliament men, to ſerve for any of the above-named counties; nor any heretor or life-renter, poſſeſſed of an eſtate of four hundred, and leſs than one thouſand pounds, *Scots* valued rent, to have in his cuſtody, to be uſed by himſelf, family, or ſervants, in the manner allowed by the laws now in force, any number of arms, not exceeding three firelocks, three pair of piſtols, and three ſwords or cutlaſſes; nor to prohibit or hinder any heretor or life-renter, poſſeſſed of an eſtate of one thouſand or more, and leſs than three thouſand pounds, *Scots* valued rent, to have in his cuſtody, to be uſed by himſelf, family, or ſervants, in the manner allowed by the laws now in force, any number of arms, not exceeding ſeven firelocks, ſeven pair of piſtols, and ſeven ſwords or cutlaſſes; nor to prohibit or hinder any heretor or life-renter, poſſeſſed of an eſtate of three thouſand or more, and leſs than ſix thouſand pounds, *Scots* valued rent, to have in his cuſtody, to be uſed by himſelf, family, or ſervants, in the manner allowed by the laws now in force, any number of arms, not exceeding twelve firelocks, twelve pair of piſtols, and twelve ſwords, or cutlaſſes; nor to prohibit or hinder any heretor or life-renter, poſſeſſed of an eſtate of ſix thouſand or more, and leſs than nine thouſand pounds, *Scots* valued rent, to have in his cuſtody, to be uſed by himſelf, family, or ſervants, in the manner allowed by the laws now in force, any number of arms, not exceeding twenty firelocks, twenty pair of piſtols, and twenty ſwords or cutlaſſes; nor to prohibit or hinder any heretor or life-renter, poſſeſſed of an eſtate of nine thouſand pounds, *Scots* valued rent, or more, to have in his cuſtody, to be uſed by himſelf, family, or ſervants, in the manner allowed by the laws now in force, any number of arms, not exceeding thirty firelocks, thirty pair of piſtols, and thirty ſwords or cutlaſſes; nor to prohibit or hinder the magiſtrates

magistrates of any burgh royal, to have in their custody a sufficient number of arms for keeping guard within their borough, according to the directions of their respective magistrates; nor to prohibit or hinder any person, who shall be licensed to keep, bear, or wear arms, pursuant to the directions of the said recited act, from keeping, bearing, or wearing such and so many arms or warlike weapons, as in such licence or licences shall be for that purpose particularly specified; nor to prohibit or hinder the officers of the army, having his Majesty's commissions, and the soldiers under their command, to keep, use, or bear arms as formerly; nor the lieutenants of counties, or their deputies, or the sensible men under their command, to keep and receive arms out of his Majesty's magazines, and to use the same during the time that their militia or sensible men shall be called out by lawful authority.

Arms above the number limited, to be delivered upon summons.

IV. Provided nevertheless, That the several persons beforementioned, to whom a limited number of arms is hereby allowed, shall be obliged, upon summons, according to the said recited act of the nineteenth year of his present Majesty, to deliver up in the manner directed by this and the said act, all such arms as they shall have in their custody or use, over and above the number so limited.

Place and number of arms to be kept in royal burghs.

V. Provided also, That the arms in burghs royal be kept in the magazines, under the care of the magistrates, and not left in private houses, unless by special order or warrant in writing from the magistrates; and that the whole number of arms so kept in any royal burgh, shall not exceed the number of two hundred stand of arms; and that the said lieutenants of counties, their deputies, militia, and sensible men under their command, do return the arms received out of the King's magazines, within twenty days after the expiration of the time for which they shall be called out.

Persons having arms to qualify themselves,

VI. And be it further enacted, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty eight, no person whatsoever, by reason of having an income of four hundred pounds, *Scots* valued rent, or any greater rent, or being qualified to vote at elections of parliament men, or by licence, shall be intitled to keep, bear, or wear any arms, by himself, family, or servants, unless he shall first have qualified himself, by taking and subscribing the oaths of allegiance and abjuration, and subscribing the assurance appointed by law to be taken, by persons in offices of publick trust in *Scotland*, either in the court of session, court of justiciary, or in the sheriff or stewart's court of the county, shire, or stewartry, where such person shall reside, or in one of his Majesty's courts at *Westminster*, and caused a certificate of his having so done to be entered or registered in a book to be kept for that purpose in one of the said courts in *Scotland*; and in case any such person as aforesaid shall presume to keep or carry any arms, without having first qualified himself as aforesaid, every such person shall forfeit the said arms to his Majesty, his heirs and successors, and also one hundred pounds

and register the same.

Penalty.

pounds sterling, to be recovered in any of the said courts in *Scotland*; one moiety to the use of his Majesty, his heirs and successors, and the other moiety to the person who shall sue for the same.

VII. *And whereas the time for the commencement of such part of the said recited act, as relates to the restraining the use of the highland dress, was, by an act made in the twentieth year of his present Majesty's reign, enlarged, as to all persons not being landed men, until the first day of* August, *one thousand seven hundred and forty eight: and whereas the provision made by the said recited act is necessary to be carried into execution; but it is reasonable to give some further time and opportunity for performing some parts thereof:* it is hereby enacted by the authority aforesaid, That the time given and appointed by the said last-mentioned act for the purposes therein mentioned, shall be, and the same is by this present act enlarged (as to all those who are not landed men, or the sons of landed men) from the first day of *August*, one thousand seven hundred and forty eight, till the first day of *August*, one thousand seven hundred and forty nine.

20 Geo. 2. c. 51.

The time limited for the use of the Highland dress enlarged.

VIII. Provided always, That nothing in this act contained shall extend, or be construed to give liberty to any person whatsoever to wear or put on those parts of the highland clothes, garb, or habiliments, which are called the plaid, philibeg, or little kilt, or any of them; but that the said recited act shall, as to the plaid, philibeg, or little kilt, take place, from and after the twenty fifth day of *December*, one thousand seven hundred and forty eight.

Parts of the Highland clothes prohibited to be worn after 25 Dec. 1748.

IX. And be it further enacted, That from and after the said twenty fifth day of *December*, it shall and may be lawful to and for any of his Majesty's subjects whatsoever, to take up and apprehend all and every such person or persons as they shall find wearing, contrary to law, the said highland clothes or garb, or any part thereof, and forthwith to carry such person or persons before any of his Majesty's justices of the peace for the shire or stewartry, or judge ordinary of the place where such person or persons shall be found or apprehended, who are hereby impowered to try and convict every such offender in a summary way.

Persons wearing the said clothes to be apprehended;

X. And it is hereby enacted, That instead of the penalties inflicted by the said recited act of the nineteenth of his present Majesty, it shall and may be lawful to and for any such justice, or judge ordinary, to cause such offender, not being a landed man, or the son of a landed man, lawfully convicted of wearing or putting on the said highland clothes or garb, or any part thereof, contrary to the said recited or this act, whom he or they shall judge fit to serve his Majesty as a soldier, to be delivered, as he and they are hereby required and impowered to do, to any officer belonging to his Majesty's forces to serve therein; for which purpose the officer who shall receive such person, shall then cause such or so much of the articles of war made or to be made, as are or shall be directed to be read to persons inlisted as soldiers, to be read to him in the presence of such justice of the

and to be delivered over to serve as soldiers;

and the articles of war to be read to them, &c.

the peace, or judge ordinary so delivering over such man, who shall cause an entry or memorial thereof to be made, together with the names of the persons so delivered over, with a certificate thereof in writing, under his or their hands, to be delivered to the said officer or officers; and from and after reading such part of the said articles of war as aforesaid, every person so delivered over to such officer or officers to serve as a soldier, shall be deemed a listed soldier to all intents and purposes, and shall be subject to the discipline of war, and in case of desertion shall be punished as a deserter.

The description of a chaplain within the meaning of the recited act.

XI. And for the better ascertaining what shall be deemed exercising the employment, function, or service of a chaplain within the true intent and meaning of the said recited act, be it enacted and declared, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty eight, any person being, or pretending to be in holy orders, of any denomination whatsoever, other than the ministers, elders, or preachers of the established church of *Scotland*, who shall preach or perform any divine service in any house or family of which he is not the master, in the presence or hearing of any other person or persons, whether such person or persons be of the family or not, shall be deemed to be one who exercises the employment, function, and service of a chaplain within the provision and true intent and meaning of the same act.

Schoolmasters to take the oaths, &c.

XII. *And whereas, to evade the execution of the said act, relating to persons keeping or being master or teacher in such private schools, divers persons have kept such schools in the names of others, and have or enjoyed the profits thereof to themselves, and have thereby avoided complying with the qualifications required by the said act:* for remedy thereof, be it enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, one thousand seven hundred and forty eight, every person who shall keep in his own name, or in the name or names of any other person, any private school for teaching *English*, *Latin*, *Greek*, or any part of literature, or any school for literature, other than as in the said act is excepted, or who shall have, receive, or be interested in, the profits, or any share of the profits of such school, shall be obliged to take the oaths appointed by law to be taken by persons in offices of publick trust in *Scotland*; and to pray, or cause to be prayed for, in express words, his Majesty, his heirs and successors by name, and for all the royal family, as often as there shall be prayers in such school, or before or in the hearing of any of the scholars belonging to such school; and if any person shall, from and after the said twenty ninth day of *September*, keep any such school in his own name, or in the name of any other person or persons, or have, receive, or be interested in, the profits, or any share of the profits of such private school, as shall not have been registered in manner directed by the said act, or without having qualified himself, and caused the certificate thereof to be registered in manner directed by the said act, or in case he shall neglect to pray for his Majesty, his heirs and successors,

Penalty of not complying with the recited act.

successors, by name, and all the royal family, or cause them to be prayed for as aforesaid; or in case he shall resort to, or attend divine worship in any episcopal meeting-house not allowed by law; every person so offending, being thereof lawfully convicted before two or more justices of the peace, or before any other judge competent summarily, shall, for the first offence, suffer imprisonment for the space of six months; and for the second or any subsequent offence, being thereof lawfully convicted before the court of justiciary, or in any of the circuit courts, shall be adjudged to be transported, and shall be accordingly transported to some of his Majesty's plantations in *America* for life; and in case any person so adjudged to be transported shall return into, or be found in *Great Britain*, he shall suffer imprisonment for life.

19 Geo. 2. c. 38.

XIII. *And whereas by a clause in another act made in the nineteenth year of his Majesty's reign, intituled*, An act more effectually to prohibit and prevent pastors or ministers from officiating in episcopal meeting-houses in *Scotland*, without duly qualifying themselves according to law; and to punish persons for resorting to any meeting-houses where such unqualified pastors or ministers shall officiate; *it is enacted, That from and after the first day of* September, *in the year of our Lord one thousand seven hundred and forty six, no letters of orders of any pastor or minister of any episcopal meeting or congregation in* Scotland, *should be deemed sufficient, or be admitted to be registered, but such as had been given by some bishop of the church of* England, *or of* Ireland; *and in case any letters of orders, other than such as are before described, should be registered, such registration should be deemed null and void to all intents and purposes: and whereas a doubt has been raised upon the said recited clause, whether the same doth extend to any letters of orders which have been registered before the said first day of* September: now, for clearing and taking away any such doubt; it is hereby enacted and declared by the authority aforesaid, That no letters of orders, not granted by some bishop of the church of *England* or of *Ireland*; shall, from and after the twenty ninth day of *September*, one thousand seven hundred and forty eight, be sufficient, or be taken or adjudged to be sufficient, to qualify any such pastor or minister as above-mentioned, whether the same were registered before or after the said first day of *September*; and that every such registration, either made before or after the said first day of *September*, shall, from and after the said twenty ninth day of *September*, be deemed null and void to all intents and purposes.

Letters of orders not granted by some bishop of the church of England or Ireland, insufficient to qualify.

XIV. And be it further enacted by the authority aforesaid, That every person who on the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty eight, shall be a governor, deputy governor, director, secretary, cashier, treasurer, accountant or teller of, or use or exercise any such employment in either of the banks in that part of *Great Britain* called *Scotland* (that is to say) The bank called or known by the name of *The bank of* Scotland, or the bank called or known by the

Persons belonging to either of the banks to qualify themselves.

parliament an account of the surplus which shall have arisen in that year, to the twenty fourth day of *June* preceding, how much thereof shall have been then applied to the payment of the said principal debt, and how much of the said debt shall then remain unpaid.

Limitation of actions.

VI. And be it further enacted, That if any action, plaint, suit, or information, shall be commenced or prosecuted against any person or persons, for what he or they shall do in pursuance or in the execution of this act, such person or persons shall or may plead the general issue thereunto; and upon trial of any issue joined, may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him, the defendant or defendants shall recover their costs; for which he or they shall have the like remedy, as in any case where costs by law are given to defendants.

General issue.

Publick act.

VII. And be it enacted by the authority aforesaid, That this present act shall be accepted, taken, and be reputed to be a general act of parliament; of which all and every the judge and judges of this kingdom, in all courts, shall take notice on all occasions whatsoever, as if it were a publick act of parliament relating to the whole kingdom.

## CAP. XXX.

### *An act for encouraging the making of indico in the* British *plantations in* America.

WHEREAS *the making of indico in the* British *plantations in* America *would be advantageous to the trade of this nation as great quantities are used in dying the manufactures of this kingdom; which at present being furnished from foreign parts, the supply of that necessary commodity is become at all times uncertain, and the price frequently exhorbitant: and whereas the culture thereof has been found to succeed so well in the provinces of* South *and* North Carolina, *that there is reason to hope, by a proper encouragement, the same may be encreased and improved to such a degree, as not only to answer all the demands of his Majesty's* British *subjects, but furnish considerable quantities to foreign markets*; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled and by the authority of the same, That from and after the twenty fifth day of *March*, one thousand seven hundred and forty nine, all and every person or persons who shall import, or cause to be imported into this kingdom, directly from any of the *British* colonies or plantations in *America*, in any ship or vessel, ships or vessels, that may lawfully trade to his Majesty's plantations, manned as by law is required, any good and merchantable indico, free from any false mixtures, and fit for dyers use, being the growth or product of the colony or plantation from whence the same is imported, shall have, and be intitled to, a reward or *Præmium* for such importation, after the rate of sixpence for every pound weight of such

6d. per pound Præmium allowed on the importation of indico, of the growth of the British plantations.

such indico so imported as aforesaid, under such regulations as are herein after-mentioned, to be paid upon demand to the importer of such indico, by the collector of the port where the same shall be imported, out of the customs; and in case the collector of the port where the same shall be imported, shall not have money sufficient in his hands, he is hereby required to certify the same to the commissioners of the customs, who shall cause the same to be paid by the receiver general of his Majesty's customs (the bounty of the indico imported into *England*, to be paid by the receiver general of the customs in *England*, and of that imported into *Scotland* to be paid by the receiver general there.)

Persons loading indico, to produce a certificate from the planter, of the growth and quantity;

II. And in order to intitle the importer of the aforesaid indico to such *Præmium*, as well as to prevent frauds by importing foreign plantation-made indico, or any false mixtures in what is made in the *British* plantations, with a view of recovering the *Præmium*; be it further enacted by the authority aforesaid, That all and every person or persons, merchant, trader, or factor, loading any indico on board any ship or vessel, in any of the *British* colonies or plantations in *America*, shall, before the clearing out of the said ship for any port of *Great Britain*, produce to the governor, lieutenant governor, collector, and comptroller of the customs, and naval officer, or any two of them, a certificate or certificates, signed and sworn to before any justice of the peace in the said *British* colonies or plantations, by the planter or planters of the said indico, or his or their known agent or factor, that a quantity of indico, expressing the weight thereof, had been sent from the said planter's indico work or plantation, where the same was made, in order to be shipped off, or sold by him to the person or persons therein named, and was of the growth and produce of the said planter's plantation, situate in the district, division, or parish of within the island or colony of which said certificate or certificates shall be attested by the said justice of the peace to have been signed and sworn to in his presence, who is hereby required to do the same without any fee or reward.

and also to sign a certificate that the indico shipt is the same mentioned in the said certificate.

III. And be it further enacted, That the person or persons, merchant, trader, or factor shall, at the time of his producing such certificate, sign also a certificate before the said governor, lieutenant governor, collector, and comptroller of the customs, and naval officer, or any two of them, that the indico which he or they have shipped on board the said ship or vessel, is the same mentioned in the said certificate or certificates; and thereupon the said governor, lieutenant governor, collector, and comptroller of the customs, and naval officer, or any two of them, are hereby authorized and required to deliver to such person or persons a certificate, under their hands and seal of office, of his or their having received such certificate or certificates; and that at the same time one or more certificate or certificates of the several planter or planters, their known agent or factor, had been produced to, and left with them, pursuant to the directions of

Officer to certify such certificates.

this act; and no person or persons whatsoever importing indico, into *Great Britain*, shall be entitled to the *Præmium* or reward by this act granted, unless such person or persons shall produce such certificate to the chief officer of the customs at the port in *Great Britain*, where the same shall be imported.

Certificates to be given by the master of the vessel and by the officers of the customs.

IV. And be it further enacted by the authority aforesaid, That on the importation of any indico into *Great Britain*, a certificate shall be given by the master or commanding officer of such ship or vessel importing such indico, that the same was shipped on board such ship or vessel, within such *British* colony or plantation in *America*, as is mentioned in the said certificate; and also a certificate signed by the surveyors, land waiters, or searchers, or any two of them, officers of the customs of the port where the same is entered and landed in *Great Britain*, specifying the weight thereof, and that the said indico is good and merchantable, free from false mixtures, and of such quality as to be intitled to the said *Præmium* or reward; which certificate the said officers are hereby required to grant within ten days next after the landing thereof, unless they can assign sufficient cause for their refusal; upon producing which several certificates to the proper officer as aforesaid, such officer shall be, and is hereby required to pay the *Præmium* to the importer of the said indico.

Penalty of making entry of foreign-made indico, or any false mixture.

V. And be it further enacted by the authority aforesaid, That if any person or persons shall make or cause to be made, an entry or entries of foreign-made indico, under the name of *British* plantation-made indico, or shall mix, or cause to be mixed, any foreign indico, or other false mixture or matter, with that made in the *British* plantations, in order to claim or recover the *Præmium*, as before-mentioned, every person or persons so making, or causing to be made, such entry or entries, or mixing, or causing such mixtures to be made, shall forfeit all such indico so entered; and in case of such mixture, the quantity so mixed, both foreign and *British* plantation-made, and likewise double the value thereof, shall be forfeited by the person or persons who shall make or cause such mixture or mixtures to be made.

VI. And be it further enacted by the authority aforesaid, That no certificate shall be made out to allow the *Præmium* for such indico to be made in, and imported from the *British* plantations, that is not good and merchantable, and free from any false mixture.

Officers of the customs to examine the indico.

VII. And that the officers of the customs may be the better able to discover any frauds intended for the receiving the aforesaid *Præmium*, be it further enacted by the authority aforesaid, That it shall and may be lawful for the said officers, and they are hereby required, before they make out any such certificate, to examine the said indico, by opening each package, and shifting the same, in such manner as to see the whole contents, or by such other means as they shall think proper, to find out and dis-

discover whether the indico is good and merchantable, and free from any false mixture.

VIII. And in order to fix the standard of such indico as shall be intitled to the *Præmium* aforesaid, be it further enacted by the authority aforesaid, That no certificate shall be granted by any surveyor, or other officer of his Majesty's customs, for any indico, which is not worth three shilling the pound weight, when the best *French*, or other indico, of equal goodness with the best *French*, is worth four shillings the pound weight; and so in the same proportion, in case the price of the best *French*, or other indico of equal goodness, shall be at a higher or lower price.

Standard of indico intitled to the Præmium.

IX. Provided always, That in case any doubt or dispute shall arise between the surveyors, or officers of the customs, and the owners or importers of such indico as is imported into the port of *London*, as to the quality of the same, it shall and may be lawful for the commissioners of his Majesty's customs, to call two or more dyers, dry salters, brokers, or others, well skilled, in that commodity, who shall declare upon oath, if required, their opinion, as to the quality of the same, and according to the best of their judgement determine whether the said indico is intitled to the *Præmium* hereby granted or not; and if any doubt or dispute shall arise, as to the quality of the indico imported as aforesaid, into the out-ports in *England*, samples thereof shall be taken and sent up to the commissioners of the customs at *London*, and into the out-ports in *Scotland*, to the commissioners of the customs at *Edinburgh*, in such manner, as the respective commissioners shall direct, in order to be inspected and adjudged there as before mentioned.

Method of settling disputes about the quality.

X. And be it further enacted by the authority aforesaid, That no fee, gratuity, or reward shall be demanded, taken, or received by any officer of his Majesty's customs, for the examining, viewing, or delivering such indico, with respect to the *Præmium* or reward allowed by this act, or for the signing any of the certificates, in order to the receiving such *Præmium* or reward, or for paying the same, and any such officer demanding or taking such fee or reward, shall, for such offence, forfeit his office, and such officer shall also be incapable of serving his Majesty, his heirs and successors, and shall forfeit the sum of one hundred pounds.

No fee to be paid to the officers.

XI. And be it further enacted by the authority aforesaid, That all certificates made, or debentures made out pursuant to this act, shall not be chargeable with any of the stamp duties; any law or statute to the contrary notwithstanding.

Certificates not chargeable with stamp duties.

XII. And be it further enacted by the authority aforesaid, That if any indico, made in the *British* colonies or plantations in *America*, shall, after the twenty fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and forty nine, be exported from *Great Britain*, that then and in every such case the person or persons so exporting the same, shall, before the entry thereof, pay unto the collector of the customs at the port where the same shall be exported. or to the chief

Exporters to repay the Præmium.

admitted on trials for the said offence.

hearers, other persons present who may also have been guilty of offending against the said act; but the evidence given by such witnesses shall not be made use of, or given in evidence against themselves, upon any prosecution for any penalty inflicted by the said act.

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## *Anno vicesimo secundo* GEORGII II. *Regis.*

AT *the parliament begun and holden at* Westminster, *the tenth day of* November, Anno Dom. 1747, *in the twenty first year of the reign of our sovereign lord* George *the Second, by the grace of God, of* Great Britain, France, *and* Ireland, *King, defender of the faith,* &c. *And from thence continued by several prorogations to the twenty ninth day of* November, *being the second session of this present parliament.*

### CAP. I.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty nine. EXP.

### CAP. II.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and forty nine. Exp. *At 4s. in the pound.*

### CAP. III.

*An act declaring the authority of the commissioners appointed by his Majesty under the great seal of* Great Britain, *for receiving, hearing, and determining appeals in causes of prizes.*

WHEREAS *his Majesty, in order to bring the many appeals that were or should be depending from sentences in causes of prizes, pronounced in the courts of admiralty in this kingdom, and in any of the courts of admiralty in his Majesty's plantations in* America, *and also in the courts of admiralty in* Ireland, *and all other his Majesty's dominions abroad, to a speedy determination, did by his commission under the great seal, bearing date at* Westminster *the eleventh day of* July, *in the twenty second year of his reign, revoke a former commission for receiving, hearing, and determining such appeals granted to all his Majesty's then privy counsellors, and all others his Majesty's privy counsellors then and for the time being, during his pleasure; and did also, by the same commission of the eleventh day of* July *last, constitute and appoint all his Majesty's privy counsellers then and for the time being, as also Sir* Thomas Parker *knight, lord chief baron of his Majesty's court of* Exchequer; *Sir* Martin Wright, *Sir* Thomas Denison, *and Sir* Michael Foster, *knights, justices of his*

shall be incurred, and the remaining third part to such person or persons who shall sue for the same.

XVIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, every such action or suit, if in *Great Britain*, shall be commenced within six months next after the fact committed; and if in the *British* colonies or plantations in *America*, within eighteen months next after the fact committed, and not afterwards; and the defendant or defendants, in any such action or suit, may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants have in other cases by law. Limitation of actions. Treble costs.

XIX. And be it further enacted by the authority aforesaid, That this act, and all the powers and authorities therein contained, shall continue and be in force for and during the term of seven years to commence from the twenty fifth day of *March*, one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament, and no longer. Act to be in force for 7 years.

## CAP. XXXI.

### *An act for relief of insolvent debtors. EXP.*

WHEREAS *many persons by losses and other misfortunes, are rendered incapable of paying their whole debts; and though they are willing to make the utmost satisfaction they can, are nevertheless detained in prison by their creditors: and whereas such unhappy debtors have always been deemed the proper objects of publick compassion, and by several acts of parliament have been discharged:* for the relief therefore of insolvent prisoners, who shall faithfully discover, upon oath, and deliver up and assign, all their effects and estates whatsoever for the benefit of their creditors; and to prevent, as far as possible, the many frauds and abuses, which in a great measure have obstructed the good ends of such acts, be it enacted, *&c.*

Sheriffs and gaolers to deliver a list of their prisoners, &c. to the justices, &c. Oath to be entered at the end of every list. To be kept by the clerk of the peace. Sheriffs and gaolers to set up three or more lists at the entrance into the prisons. Persons inserted in the lists, and prisoners, on 1 Jan. 1747. shall be discharged. They are to deliver in a schedule of their estates, &c. and make oath. Schedule to remain with the clerk of the peace, who is to assign the effects to the assignees, to be divided among the creditors. Assignees of copyhold estates to agree with the lord of the manor. On such agreement, lord to grant to the assignees the copyhold. Not to affect any estate in expectancy. Rent due from a prisoner, the goods

## CAP. VI.

*An act for repairing, enlarging, and preserving the harbour of* Ellenfoot, *in the county of* Cumberland.

WHEREAS *the harbour of* Ellenfoot, *in the county of* Cumberland, *although situated very conveniently for the coal trade carried on in that county, is not, in its present state and condition, capable of receiving and harbouring ships and vessels sufficient for that purpose; but, in case a new pier, and other works, were erected and made in and about the same, it might be made a proper and sufficient harbour for the reception and safeguard of ships and vessels navigating in those seas; which would not only be a means of extending the said coal trade, but would contribute also to the increase of his Majesty's customs, and the improvement of trade and navigation in general: but as a sufficient sum of money cannot be raised to defray the expence of amending and enlarging the said harbour, and rendering the same fit and proper for the purposes aforesaid, without the aid and authority of parliament,* may it therefore please your most excellent Majesty that it may be enacted, *&c.*

From 25 March, 1749, during 21 years, there shall be paid unto the commissioners herein after named, viz. by the coal owner, two pence for every 192 gallons of coals, shipped in the harbour; and by the master of the ship, two pence for every 192 gallons; and after the end of 21 years, one penny. Every master of a ship not loading coals, shall pay upon arrival from any place in Great Britain or Ireland, or the isle of Man, six pence *per* ton. For every ship which shall be driven, or come in for security, four pence *per* ton. Trustees to appoint collectors. The money received to be applied towards maintaining the harbour. Collectors to give security. Distress for non-payment of duties. Power to measure ships, to ascertain the tonnage. No ship to be discharged by the officers of the customs till duties paid. Trustees to appoint the place for building the pier, &c. may borrow money. New trustees to be elected. No rubbish, &c. to be thrown into the harbour, on pain of ten shillings.

## CAP. VII.

An act for repairing the road from the West Cowgate near the town of Newcastle upon Tyne, through the west end of Kenton, Pont Eland, Higham Dykes, Newham Edge, Belsay Mill, and South Middleton, to north side of the river Wansbeck, in the county of Northumberland.

*Certain tolls granted for 21 years.*

## CAP. VIII.

An act to continue two acts of parliament, one of the first, and the other of the ninth year of the reign of his present Majesty, for repairing and enlarging the road leading from the house called The Sign of the Bells, in the parish of Saint Margaret in Rochester, to Maidstone, and other roads therein mentioned, in the county of Kent; and for rendering the same more effectual.

*The two former acts 1 Geo. 2. c. 12. and 9 Geo. 2. c. 7. continued for 21 years.*

## CAP. IX.

An act for repairing the road from North Shields in the county of Northumberland, to the town of Newcastle upon Tyne.

*Certain tolls granted for 21 years.*

## CAP. X.

An act for laying a duty of two pennies Scots, upon every Scots pint of beer and ale, which shall be sold or vended, brewed, brought in, or tapped for sale, within the town of Anstruther Easter, and liberties thereof.

*A duty of excise granted to the town for 25 years.*

## CAP. XI.

*An act for draining and preserving certain fen lands and low grounds in the several parishes of* Sutton, Mepall, Witcham, Chatteris, Doddington, *and a place called* Byal Fen *in the isle of* Ely, *and county of* Cambridge; *and also in the parishes of* Somersham *and* Pidley *with* Fenton *in the county of* Huntingdon.

WHEREAS *certain fen lands and low grounds (part of the great level of the fens called* Bedford Level) *lying and being in the several parishes of* Sutton, Mepall, Witcham, Chatteris, Doddington, *and a place called* Byal Fen *in the isle of* Ely, *and county of* Cambridge, *and also in the parishes of* Somersham *and* Pidley *with* Fenton *in the county of* Huntingdon, *containing in the whole, nine thousand acres, or thereabouts, the boundaries whereof are as followeth; that is to say, beginning at a bank called the* Twenty Feet Bank *or* Black Bank, *next adjoining to a house now in possession of* Thomas Rogers; *and from thence along by the side of the outring ditch, next the lands called* North Mead Lands, *to a place called the* West Water; *and from thence along by the said water to a place called* Copens Corner; *and from thence to* Somersham *turnpike-bridge, on the east side of land formerly called the* Old West Water; *and from thence back again by a common called the* Miles, *along by the east side of a piece of land called the* Parsonage Lot, *to a gate which leads to a piece of land now in possession of* Thomas Want; *and from thence along by the bank side of the said land to the end of a ditch, lying between a lot of land now or late in possession of* William Thompson *esquire, and certain other lots of land, now in possession of* John Goodfellow, *and* William Archdeacon, *to a place called* Long Drove; *and from thence cross the said* Drove, *at the lot of land in possession of the said* William Archdeacon, *and along by a ditch leading between two lots of land, now in possession of* Isaac Stephens, *to certain low lands, now in possession of* Isaac Woollaston *esquire; and from thence round by the side of certain high lands, now in possession of the said* Isaac Woollaston, *to a place called* Cross Drove, *at the upper end of a place called* Cross Lakes; *and from thence back again by the said* Cross Drove *side, next the said* Cross Lakes, *to a place called* Long Drove; *and from thence along by the ends of several lots of land, now in possession of* Jane Leeds *widow,* William Thomson *esquire, and* Thomas Want, *next the said* Long Drove, *to a place opposite to the end of a ditch between certain lots of land, lying on the west side of* Long Drove, *now in possession of* James Hubbard *and* John Leeds, *to a place called* Parkel Lot Side; *and from thence to a place called* Slyer Ditch, *and along by the*

*said ditch to a place opposite to certain low lands belonging to* Isaac Woollaston, *before named*; *and from thence cross a drove called* Rumbald's Drove, *along by the side of the adjacent high lands, to a place called* Somersham Meadow Dike, *and along by the side of the said meadow to the opposite end of a place called* Little Land Flood, *belonging to certain closes called* College Closes; *and from thence along by certain high lands, to a place known by the name of* Somersham Low Wood Corner; *and from thence along* Somersham Low Wood, *and a place known by the name of* Fernhill Bottom, *to a dole next adjoining to a place called* Pidley Drove, *now or late in possession of* Agnes Cope *widow, and from thence cross a place called the* Drove, *and round by the side of* Pidley Meadow, *to a dike between a place called* Upper Lunch Ground, *and certain lands now or late in possession of* Agnes Cope *widow, along to certain land next adjoining to a place called* Fenton Drove, *now in possession of* William Thompson *esquire, before-named*; *and from thence along lands next adjoining to a drove called* Fenton Drove, *in possession of the said* William Thompson, *and along by the said drove to the further end thereof*; *and from thence to the side of the high lands, and round by a farm called* Rowey Farm; *and from thence to the middle hedge of certain land now in possession of* William Pagget *esquire, called* Paggets Great Ground; *and from thence along by* Fenton Load *to a dike between a farm belonging to* Mary Underwood, *called* Hither High Fen Farm; *and a farm belonging to* Charles Leeds; *and from thence along by the said dike to a drain, called the* Twelve Foot Drain; *and along by a bank on the west side of the said drain to a place called* Hammond's Eau; *and from thence along by the north side of fen ground, belonging to* Isaac Woollaston *esquire, before named, to* Somersham *turnpike-bridge*; *and from thence along the east side of* Somersham *turnpike road to a place called the* Ferry Chelm, *otherwise* Chatteris Ferry; *and from thence along by the outring ditch next adjoining to a common known by the name of* Ferry Burrows, *to another common called* Horseload Fen; *and from thence along by the outring ditch, next adjoining to the said fen, formerly known by the name of* Snares Load, *to a tunnel lying under and through a bank called* Ireton's Way *or* Bank, *and from thence along by the outring ditch, which parts certain grounds called* Mepall Severals, *from a common called* Block Fen, *and the outring ditch which parts* Chatteris Severals, *and the said* Block Fen, *to the said bank called* Ireton's Way, *otherwise* Mepall Bank; *and from thence along by the said way or bank to* Chatteris Common, *near to a place there called* Wenny; *and from thence along by the outring ditch, which parts the lands now in possession of* Matthew Wyldbore *esquire, and others, from a place called* Chatteris Common, *to a common fen called* Long Wood Fen Common; *and from thence along by the outring ditch, which divides certain land, now in possession of* John Marriott, *from the last-mentioned common, and along the outring ditch of certain land, now in possession of* Francis Pemberton *clerk, to certain land called* Bishops Land, *now in possession of* Mark Gretton *clerk*; *and from thence along by the said ditch, next adjoining to a common called* Chatteris Common, *to a bank called the* Forty Foot Bank,

*and*

*and so along by the said bank to a place called* Welches Dam; *and from thence along by the bank called the* Twenty Foot Bank, *or* Black Bank, *to the division dike between the house of* Thomas Rogers *before-named, and the said north mead lands; and all that tract of land called* Westmoor Beezlings *and* Restidge, *beginning from and at a drain called the* Forty Foot Drain; *and from thence along by a part of* Chatteris Common *called* Curse; *and from thence abutting upon and against land called* Willey; *and upon a common called* Under Willey, *to the end of certain land next adjoining to a place called* Hive End Burrows, *now in possession of* Edward Doyley; *and from thence along by the outring ditch of certain other land, now in possession of the said* Edward Doyley, Gotobed East, Thomas Smith, John Marriott, *and others, to part of a common called* Chatteris Mow, *otherwise* Acre Fen; *and from thence along by the outring ditch next the said* Mow, *otherwise* Acre Fen, *to a piece of land formerly called the* West Water, *otherwise* Old West Water; *and from thence along by the said land, to certain land now in possession of Sir* Thomas Peyton *baronet; and from thence along by the outring ditch between the land of the said Sir* Thomas Peyton, *and land now or late in possession of* Rebecca Clark, Benjamin Skeeles, *and the heirs of* Robert Skeeles, *to a drove called* Beezlings Drove; *and from thence along by the east side of the said drove, to the aforesaid drain called the* Forty Foot Drain; *and from thence along by the said drain, to the aforesaid piece of* Chatteris Common *called* Curse; *and from thence along by the said common, to a place called* Carters Bridge; *are (except certain parts and parcels thereof, which are herein after described and excepted) subject to inundations through the defect of their outfals to sea, and are in danger of being rendered useless, to the great damage and impoverishment of the owners and proprietors of such grounds, and to the loss of the publick: and whereas the said fen lands and low grounds cannot be preserved without the aid of parliament, to enable the owners thereof to drain the same, and to keep the same drained for the future;* may it therefore please your most excellent Majesty that it may be enacted, *&c.*

Commissioners impowered to make works for draining the lands. Justices at the quarter sessions to settle differences. Commissioners to meet twice a year, to make orders for draining the lands, and to appoint officers. Commissioners impowered to raise a tax of 1 s. 6 d. *per* acre for the first year; and for every year after, 1 s. *per* acre. Certain lands exempted from being taxed. Commissioners impowered to borrow money on the yearly rates, at 5 l. *per cent.* Commissioners impowered to award satisfaction to the proprietors of Westmore Beezlings, and Restidge, for cuts made by them. The tax to be levied by distress and sale. Tenants required to pay the tax, which is to be allowed them by the landlords. Tunnels to be laid under all the dikes, &c. 100 l. Penalty on wilful damaging, &c. the works. For want of distress the person to be committed. Persons convicted of setting fire to any of the works, to be transported as felons. Commissioners to inspect and adjust the accounts yearly. Upon death, &c. of commissioners, others to be chosen in their room. Number not to exceed 45. No works to be made to hinder the waters drained from certain lands, from issuing to their outfall. The rights of the governor, &c. of Bedford Level, reserved.

## CAP. XII.

An act for continuing and making more effectual two acts of parliament, the one passed in the eleventh year of the reign of his late majesty King George the First, and the other in the third year of the reign of his present Majesty, for repairing the road leading from Sherbrooke Hill near Buxton and Chapel in the Frith in the county of Derby, through the town of Stockport in the county of Chester, to Manchester in the county of Lancaster; and for amending other roads adjoining to the road directed to be repaired by the first-mentioned act.

*The former act, 11 Geo. 1. c. 13. and 3 Geo. 2. c. 4. Continued for 21 years.*

## CAP. XIII.

An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every Scots pint of ale and beer, which shall be brewed for sale, brought into, tapped, or sold, within the town of Kinghorn, and liberties thereof.

*A duty of excise granted to the town for 31 years, &c.*

## CAP. XIV.

An act for continuing and making more effectual two acts of parliament, for repairing the highway between a certain place called Kilburn Bridge in the county of Middlesex, and Sparrows Herne in the county of Hertford.

*The former acts 10 Ann. and 8 Geo. 1. c. 9. continued for 21 years.*

## CAP. XV.

An act for enlarging the term and powers granted by an act passed in the second year of the reign of his present Majesty, for repairing the several roads therein mentioned, leading into the town of Leominster in the county of Hereford; and for making the said act more effectual.

*The act 2 Geo. 2. c. 13. continued for 21 years*

## CAP. XVI.

*An act for draining and improving certain fen lands within the manors and parishes of* Upwell *and* Outwell, *and the parishes of* Denver *and* Welney, *in the isle of* Ely, *and counties of* Cambridge *and* Norfolk.

WHEREAS *certain fen lands lying and being in the parish of* Denver, *the manors and parishes of* Upwell *and* Outwell, *and the parish of* Welney, *within the isle of* Ely, *county of* Cambridge, *and county of* Norfolk, *containing in the whole near eleven thousand acres, and bounded as followeth; that is to say, from the outring ditch of the land of* Joseph Gordon *gentleman, next to the bank of the land of* Edmund Saffery *gentleman, and along* Well Creek, *by* North Delph Corner, *to* Churchfield Bank *in* Outwell *aforesaid; and along* Churchfield Bank *to a place called* Small Load, *where it joins a bank called* Plowfield Bank; *and along* Plowfield Bank *to a place called* Upwell Sluice, *standing upon* Popham's Eau; *and from thence, along by* Popham's Eau, *to a place called* The Sixteen Foot Bank; *and from thence, along by the said bank, to a place called* The Old Chair Drain; *and from thence to a place called* Darcy Load; *and from thence along by the said load, to* Welney Old River; *and from thence along by the said river, to a place called* The Twenty Foot Drain, *at* Welney; *and from thence, along by the said drain, to the outring ditch of the land of the said* Joseph

Joseph Gordon, *next to the said* Twenty Foot Drain; *and along the said outring ditch to* Well Creek; *have of late years been frequently overflowed, and annoyed with water, by reason of the decay of the outfall which discharges the land waters to the sea, and are thereby greatly diminished in their value, to the great loss of the several owners and proprietors thereof, and of the publick in general: and whereas the said fen lands cannot be drained and preserved, so as to restore them to their real value, without the aid of parliament to enable the said several owners and propietors to undertake the same*; may it please your most excellent Majesty, that it may be enacted, *&c.*

Commissioners impowered to make works for draining the lands. Justices at the quarter sessions to settle differences. Commissioners to meet twice a year, impowered to make orders, and appoint officers. Commissioners impowered to raise a tax of 1 s. 6 d. *per* acre for the first year; and for every year after, 1 s. *per* acre. Commissioners impowered to borrow money on the yearly rates; at 5 l. *per cent.* Commissioners impowered to remove the mills erected for draining the lands; and to erect them where they shall think proper, and to examine the accounts of the monies expended, &c. The commissioners to reimburse the monies expended in banking certain parts of the 20 feet drain. The tax to be levied by distress and sale. Tenants required to pay the tax, which is to be allowed them by the landlords. Horse-mills may be erected on the arable lands. Tunnels to be laid under all the dikes, &c. Officers impowered to lay them if the owners refuse, &c. 100 l. penalty on wilful damaging, &c. the works. For want of distress, the person to be committed. Persons convicted of setting fire to any of the works, to be transported as felons. Commissioners to inspect and adjust the accounts yearly. Upon death, &c. of commissioners, others to be chosen in their room. Number not to exceed forty. The rights of the governor, &c. of Bedford Level reserved.

## CAP. XVII.

An act for effectually amending and repairing the road leading from Wansford Bridge in the county of Northampton, to the town of Stamford in the county of Lincoln.

*Certain tolls granted for 21 years.*

## CAP. XVIII.

An act for enlarging the term and powers granted by an act passed in the third year of the reign of his present Majesty, for repairing the several roads leading into the city of Hereford.

*The act 3 Geo. 2. c. 18. continued for 21 years.*

## CAP. XIX.

*An act for the more effectual draining and preserving of several fen lands and field lands, in the bounds and precincts of* Whittlesey *in the isle of* Ely, *in the county of* Cambridge.

WHEREAS *there are certain fens and low grounds lying in the township of* Whittlesey, *within the isle of* Ely, *and county of* Cambridge, *containing in the whole about nine thousand seven hundred and fifty acres; and which are divided into five several districts or tracts, containing the several parcels and quantities of land herein after particularly mentioned and described; that is to say, all those*

*those fen lands and low grounds lying in* Whittlesey *aforesaid, in a place there called* King's Delph, *containing by estimation three hundred and fifty acres, be the same more or less, and bounded as follows; to wit, From* King's Delph Gravel *by* Canters Doles Dyke, *to the droveway dividing* Blackbush *from* King's Delph *(excluding the said droveway) from the said droveway by the lands of mistress* Frankland, Thomas Randall, William Drake, William Angell, George Mayles, George Randall, *and* Thomas Randall, *to the first cross-drove; along the said first cross drove by the lands of the said* Thomas Randall *and* Thomas Kelfull *to* Suet-hill Drove; *along* Suet-hill Drove *south, by the lands of* John Loomes *senior, to the second cross-drove; by the said lands of* John Loomes *and* William Searle *to the third cross-drove; and along the said third cross-drove by the lands of* George Watson *to the fourth cross-drove; along the said fourth cross-drove by the lands of* William Fletcher, *to the drove dividing the* Setts *and* Running Commons; *along the said drove to the west end of the* Freeman's Acres; *from the west end of the said* Freeman's Acres, *to the half dole on the east side of the* Brigwood; *and along the said half dole to* Whittlesey Dyke, *at* Fields-end Bridge; *and from the* Fields-end Bridge *along* Whittlesey Dyke *to* King's Delph Gravel *aforesaid; do constitute the first district or division; and all those fen lands and low grounds called* Reach, *otherwise* Blackbush, *containing by estimation fourteen hundred acres, be the same more or less, and bounded as follows; to wit, From the town of* Whittlesey, *to a place called* Pond's Bridge, *by a drain called* The Sixteen Feet Drain; *and from thence by the said drain called* Oakley Dike, *to the* Running Commons *in* King's Delph *at the south end thereof; and from thence by a droveway which divides the said lands called* Blackbush, *from the said lands called* King's Delph, *to the north corner of the said mistress* Frankland's *lands called* Running Common *(including the said droveway) and from thence by the north end of* Thomas Moore's *lands to* Canters Doles Dyke; *and from thence by* Canters Doles Dyke *to* Whittlesey Dyke, *near* King's Delph Gravel, *being the west boundary thereof; and from the said* Whittlesey Dyke, *near* King's Delph Gravel, *by the same dyke to a place called the* Long Gravel; *and from the* Long Gravel *by a dyke which divides the north end of the land called master* Bird's Hundred Acres, *from the lands of* Rebecca Serjeant, *widow,* John Hoby, *and* John Garner, *to the said* Sixteen Feet Drain *(excluding such last mentioned lands, and the said master* Bird's One Hundred Acres*) do constitute and make the second division; and all those fen lands and low grounds called* The Setts, Great Oldeameere, *and* Near Wype, *containing by estimation one thousand acres, be the same more or less, and bounded as follows; to wit, From* Whittlesey Dyke, *over against* Eastrey Lake, *by the half severals and fields belonging to the town of* Whittlesey, *to a droveway leading from* Whittlesey *to* Eastrey *called the* Common Half-acre *(excluding the said half severals and fields) and from the* Common Half-acre, *by a droveway leading to the half severals called the* Fen Lots *(excluding the said half severals called the* Fen Lots, *and including the whole severals called the* Fen Lots*) and from the*

*the said* Fen Lots *by* Eastrey-field *to* Coates; *and from* Coates *by* Kelfull's *lands and the said* Thomas Moore's *thirteen acres at* Lipnea; *and from the said* Thomas Moore's *lands at* Lipnea, *by a droveway leading to* Beggar's Bridge; *and from* Beggar's Bridge, *by* Bevil's River *to* Whittlesey Dyke, *near* Angle Bridge; *and from* Angle Bridge *by the said* Whittlesey Dyke *to* Eastrey Lake *aforesaid, do constitute the third division; and all those fen lands and low grounds, called by the names of the* Far Doles in Far Wype, Little Oldeameere, The Turves, *and* Eastrey Fen, *containing by estimation two thousand acres, be the same more or less, and bounded as follows; to wit, by* Bevill's River *from* Angle Corner *(excluding the river bank from* Angle Corner *to* Angle Bridge) *to* Shaw's Dyke, *and by* Shaw's Dyke *to* Whittlesey Dyke, *and by* Whittlesey Dyke *to* Angle Bridge *(excluding the said bridge) do constitute the fourth division; and all those fen lands and low grounds called* Glassmoore, *containing by estimation five thousand acres, be the same more or less, and bounded as follows; to wit, From* Angle Bridge *by* Whittlesey Dyke *to a dyke dividing the lands in the occupation of* Peter Huffield *and lands of* George Watson *from the lands of* John Stona *the elder; from the lands of the said* John Stona *the elder along the said lands by the said dyke to the south side of a droveway called* Forth Drove, *and along the said drove west, to the west side of a dyke dividing the lands of* Henry Coventry *esquire, and* David Searle *(and excluding the said* Henry Coventry's *lands) and along the said lands of the said* David Searle *by the said dyke to the south end of a drove called* Roger's Drove; *and along the said drove west to the west side of a dyke dividing other lands of the said* Henry Coventry *from lands belonging to the said town of* Whittlesey *(but excluding the said* Henry Coventry's *lands) and along the said lands belonging to the said town of* Whittlesey *by the said dyke to lands of* Thomas Ground; *and along the said lands by the said dyke to the south side of* Benwick Drove; *and along the said drove west to the east end of fourteen acres of* John Dawkings; *and from the said fourteen acres to the land of* John Laxon *esquire,* Francis Ibertson, *and* James Whittome, *(including the same lands) to a droveway called* Angle Bridge Drove; *and along the said drove a dyke dividing the lands of* Samuel Hawkins *from* Ramsey Lot Drove; *along the said lands of* Samuel Hawkins *by the same dyke to lands of* Richard Speechley; *along the said lands by the same dyke to the lands of* Thomas Beaver; *and along the said lands of* Thomas Beaver *by the same dyke to eight acres of the earl* Waldegrave; *and along the said eight acres to a dyke dividing the same from the lands of* Coulson Fellowes *esquire, (excluding the said lands of the said* Coulson Fellowes) *and from the said eight acres by the same dyke to a flow or gapstead of the said earl* Waldegrave; *and from the said flow or gapstead along other lands of the said earl by the said dyke to the lands of* William Plummer; *and along the said lands of the said* William Plummer *by the same dyke to lands of the earl of* Lincoln; *and by the same dyke to* Delph Dyke *otherwise* Sword Dyke; *and by* Sword Dyke *to* Bevill's River *at* Pond's Bridge, *and by* Bevill's River *to* Whittlesey Dyke *at* Angle Corner; *and from* Angle Corner *by*

Whittlesey

Whittlesey Dyke *to* Angle Bridge *aforesaid*; *do constitute the fifth division: and whereas the said fen lands and low grounds do naturally produce great quantities of corn and grain, and also forage for cattle, to the great benefit of the owners thereof, and the advantage of the publick; but by reason of their flat situation, and the defect of their outfalls to the sea, the same are liable to be overthrown, and covered with water, and cannot be drained, and kept dry, unless some powers and provisions be made and given for that purpose by authority of parliament*: wherefore to the end and intent that the said lands and grounds may be more effectually drained, and preserved for the future, for the benefit of the proprietors thereof, and of the publick; may it please your most excellent Majesty that it may be enacted, *&c.*

Commissioners for the several divisions impowered to make works for draining the lands. Justices to determine differences. Commissioners to meet twice a year, to make orders for draining the grounds. No new cut to be made in any whole lands for conveying the water from any mill. Commissioners impowered to appoint officers. Commissioners impowered to make a yearly acre-rate, *viz.* For King's Delph, being the first division, not exceeding 5s. *per* acre in the first year, and 2s. an acre in any other year; for the other divisions, 2s. 6d. an acre in the first year, and 1s. 6d. in any other year. On default of payment, the rates to be levied by distress and sale. Tenants to pay the rates, and deduct the same out of the rents. Power of distraining on lands unoccupied. Upon death, &c. of commissioners, others to be chosen. 100 l. penalty on wilful damaging, &c. the works. To be levied by distress and sale. For want of distress, the person to be committed. Persons convicted of setting fire to, or destroying any of the works, to be transported as felons. Commissioners and land owners to adjust the accounts yearly. In case of disagreement two justices to determine the difference. 10s. penalty on making watering places for cattle in the mill-drains. The droveway and outring dykes to be kept of a sufficient depth, and 9 feet broad, and well roaded, &c. The homage jury to be commissioners for draining the common-field lands; and for making an annual rate, and appointing officers. The rights of the governor, &c. of Bedford Level, reserved. Powers of the commissioners not to extend to certain lands. Five commissioners to determine disputes about what lands are liable to be charged.

## CAP. XX.

*An act for making more effectual an act passed in the eleventh and twelfth years of the reign of King* William *the Third, for the better preserving the navigation of the rivers* Avon *and* Froome; *and for cleansing, paving, and enlightening the streets of the city of* Bristol, *so far as the same act relates to the paving and enlightening the said streets; and for the regulating hackney coachmen, hallkers, draymen, and carters, and the markets and sellers of hay and straw, within the said city and liberties thereof.*

11 & 12 W. 3. c. 23.

WHEREAS *by an act made in the eleventh and twelfth years of the reign of his late majesty King* William *the Third* (*intituled*, An act for the better preserving the navigation of the rivers *Avon* and *Froome*; and for cleansing, paving, and enlightening the streets of the city of *Bristol*) *provision was made for the enlightening*

*lightening the streets of the city of* Bristol *in manner therein mentioned; but which hath, in many instances, been found insufficient to answer the good purposes intended by the said act; and more particularly for want of a sufficient power being vested in the justices of the peace in their general quarter sessions to order and oblige the inhabitants of the several parishes and precincts within the said city, to make use of publick lamps within their respective parishes and precincts, and to order the number of such lamps; and also for want of ascertaining a due length of time, during which such lamps shall be kept burning: and for want of erecting and maintaining a competent number of such publick lamps, the citizens and inhabitants of the said city are exposed to the danger of fires, murders, burglaries, robberies, and many other outrages and inconveniencies; and the enlightening of the said streets is greatly hindered and obstructed by signs, which are hung out before the houses of several persons, and which obscure the same:* for remedy whereof, may it please your Majesty that it may be enacted, *&c.*

The mayor and justices to order the number and fashion of the lamps. Power given for contracting for the erecting of the lamps; and for lighting and trimming them. Contract to be made but for 1 year, and not to exceed the sum rated. Parish officers excluded from being interested in any contract. Parish officers to meet yearly. Rates to be made, and collectors to be appointed. Justices to confirm the rates. Collectors to make payment to the surveyors. Persons aggrieved may appeal. Collectors becoming insolvent, the rates to be re-assessed. Collectors and surveyors to account yearly, &c. on pain of commitment. Alderman of the castle precincts to give notice to the guardians, &c. of the poor, to meet in February yearly. 40s. penalty on persons breaking or extinguishing the lamps. Mayor and justices to hear offences. For want of distress, the party to be committed. Persons aggrieved may appeal to the quarter sessions. Clauses in 11 & 12 W. 3. relating to the enlightening the streets repealed. The Mayor and justices to make orders concerning the pavement. Surveyors of the highways to have the charge of paving. Rates to be made for paving. Water falling from the tops of houses to be conveyed by pipes on the sides or fronts. Carriages used within the city to be drawn by 3 horses only; the wheels not to be bound with iron streaks of less breadth than 6 inches. The mayor and aldermen, &c. to make rules for regulating hackney coachmen, &c. The mayor and common council to make orders for regulating the new market. Hay and straw brought for sale into Bristol to be made up into trusses. Trusses of hay to weigh 56 lb. and of straw 7 lb. None to gain a settlement by paying of these rates.

## CAP. XXI.

*An act for explaining and amending an act passed in the seventeenth year of his present Majesty's reign, intituled,* An act for raising and establishing a fund for a provision for the widows and children of the ministers of the church of *Scotland*, and of the heads, principals, and masters of the universities of *Saint Andrews*, *Glasgow*, and *Edinburgh*.

WHEREAS *by an act made in the seventeenth year of the reign of his present Majesty, intituled,* An act for raising and establishing a fund for a provision for the widows and children of the ministers of the church of *Scotland*, and of the 17 Geo. 2. c. 11.

the heads, principals, and masters of the universities of *Saint Andrews*, *Glasgow*, and *Edinburgh*; *it was, among other things, enacted, That every minister who shall be ordained and admitted to a benefice in the church of* Scotland, *and every person who should be admitted as head, principal, or master, in any of the three universities of* Saint Andrews, Glasgow, *and* Edinburgh, *after the twenty fifth day of* March, *one thousand seven hundred and forty four, should be subject to the annual rate of two pounds twelve shillings and six pence, or of three pounds eighteen shillings and nine pence, or of five pounds five shillings, or of six pounds eleven shillings and three pence, of lawful money of* Great Britain, *at his option; and should, at the term of* Candlemas *next after admission to, or enjoyment of his benefice or salary for one whole year, make payment of one year's rate; and in case he, at such term of* Candlemas, *had been admitted to, or enjoyed his said benefice or salary only for one half year, he should only be liable to the payment of half of the said yearly rate, and to the full year's rate at each term of* Candlemas *next thereafter, during his life; and every minister, head, principal, or master as aforesaid, was required to make his election of one of the said four yearly rates, on or before the first term of* Candlemas *after he should have right to one half year's benefice or salary, or before the term of* Candlemas *next after having had right for one year and half to any benefice situate in the western or northern isles of* Scotland; *and in default thereof he was to be subject to the annual rate of three pounds eighteen shillings and nine pence, during life; and every minister, head, principal, or master intitled to a benefice or office as aforesaid, and every minister in the western and northern isles of* Scotland, *before the twenty fifth of* March, *one thousand seven hundred and forty four, was to give notice within six months, or eighteen months respectively, that he would not be subject to any of the yearly rates before mentioned, or would subject himself to one or other of them, declaring which of them he chose to be subject to; and in default of giving such notice respectively, was to be liable to the annual rate of three pounds eighteen shillings and nine pence: and the said act likewise ascertained what proportion of the said rates should be paid respectively by ministers, heads, principals, or masters, who at their deaths, had only right to one half of the benefice or salary of that year, and by their heirs and executors, and by those who had right to the ann; and what other rates and sums should be paid by every minister, head, principal or master, for the first year, and upon the marriage of ministers, heads, principals, and masters, ordained or admitted assistants and successors to those having right to a benefice or salary; and upon the first and every succeeding marriage of every minister, head, principal, or master, admitted as well after as before the said twenty fifth day of* March, *one thousand seven hundred and forty four, to his benefice or office: and every minister, head, principal, or master aforesaid, neglecting to pay the annual or other rates due at the times appointed, was to be subject to lawful interest from the respective times of payment: and every benefice and every office as aforesaid, vacant before the twenty fifth day of* March, *one thousand seven hundred and forty four, was to be subject to the sum of five pounds; and vacant on or after the said twenty*

*fifth*

*fifth day of* March, *to two pounds ten shillings, for every half year the vacancy should continue: and it was further enacted, That out of the aforesaid annual rates and other sums, there should be paid, by order and direction of trustees therein after named, a sum not exceeding two hundred and ten pounds, of lawful money of* Great Britain, *yearly, for the salaries of a general collector or receiver, and a clerk; and that the remainder of the said several sums should be applied to the payment of an annuity of ten pounds, or fifteen pounds, or twenty pounds, or twenty five pounds respectively, to the widow of every minister, head, principal, or master, who hath been subject to the annual rates of two pounds twelve shillings and six pence, or three pounds eighteen shillings and nine pence, or five pounds five shillings, or six pounds eleven shillings and three pence respectively, to commence from the first term of* Whitsunday *or* Martinmas, *which should be one full half year after the husband's death; and if no widow was left, but one or more children, such child or children was to be intitled to a sum equal to ten years annuity that would have been payable to their father's widow; and if the widow died, or was married before the lapse of ten years after the commencement of her annuity, and whose husband left a child or children, who, at her death or marriage, should be under the age of sixteen years, such child or children was to be intitled to a sum equal to ten years of the said widow's annuity, deducting so much thereof as had been then received by the widow: and it was further enacted, That the surplus of the annual rates and sums after payment of the annual expence of management, and of the said annuities and other provisions, should, at the term of* Whitsunday *yearly, be lent out to ministers, heads, principals, and masters, subject to annual rates as aforesaid, to the amount of thirty pounds to each (every of whom was thereby obliged to receive the same) which was to be repaid with interest, at the time that he ceased to have right to his benefice or office: and it was thereby further enacted, That all future surplusses, over and above the sums so lent as aforesaid, should, from time to time, be lent out at an interest not under four pounds* per centum per annum, *until a capital was made of thirty five thousand pounds; and the surplus arising above the said capital, was to be divided proportionably amongst the children of ministers, heads, principals, and masters, who, in respect of the death of their father, or the death or marriage of his widow within that year, should be then intitled to receive their provisions: and divers provisions were enacted to prevent any diminution of, or incroachment upon, the said capital: and trustees were nominated for levying, receiving, and issuing the respective annual sums payable by virtue of the said act for the purposes therein expressed, and for lending out the surplus in manner therein directed, and for raising the aforesaid capital of thirty five thousand pounds by loans at interest, and for uplifting the said capital in the whole or in part, and re-employing the same; and they were to meet in the old church isle at* Edinburgh, *and were to have four stated regular meetings yearly; and a general collector or receiver of the aforesaid annual or other rates was to be appointed, who was to have full power to carry on all suits and actions for recovery thereof; and was impowered to use all diligence for securing all and every the afore-*

*aforesaid sums; the expence whereof was to be recovered out of the respective debtors estates, without any abatement or mitigation; and incidental expences of the said trustees were not to exceed, in any one year, the sum of forty pounds: and whereas inconveniencies and difficulties have arisen in the execution of the said act, by reason that the ministers, heads, principals, and masters, ordained or admitted after the twenty fifth day of* March, *one thousand seven hundred and forty four, are allowed to withhold their declarations, touching their election of their annual rates, so late in the year as* Candlemas; *and the collector general cannot effectually levy and bring in the said rates, and other sums, under his management, between the terms appointed for the payment and distribution thereof, by the means of an ordinary action against the deficients; and the expence of such action becomes very heavy upon the deficient minister, head, principal, or master: and whereas the number of benefices and offices in* Scotland, *subjected to the said rates, have been found to be considerably less, and the number of widows and children to be provided for considerably greater than was supposed in the computation, upon which the proportion between the annual rates and the annuities and provisions mentioned in the said recited act was fixed; and the annuities and provisions already become payable to the widows and children of ministers, heads, principals, and masters deceased, and those which may become due for several succeeding years, will, in all probability, very much exceed what they were computed at; and the said deceased ministers, heads, principals, and masters, have contributed very little to the fund established by the said act; and there is great reason to apprehend, that the annual surplusses, in the early years of collection of the rates and sums aforesaid, will not raise the intended capital, and that the said fund, if raised, will not be sufficient for answering the design of the said act; by reason whereof, the widows and children of those ministers, heads, principals, and masters, who shall have contributed most to the raising of the said fund, will be deprived of a great part of the annuities and provisions due to them, unless some deduction shall be made from the annuity granted to the widow, or the provision made for the child or children of each minister, head, principal, or master, who shall not have contributed to the fund a sum equal to three years amount of the annuity correspondent to his annual rate, and unless a sum be allowed annually for increasing the capital fund to a greater amount than is allowed by the said recited act: and whereas also it is equitable and just, that the widows, as well as children of contributors to the said capital fund, should have a share of any benefit which may casually arise from the surplusses thereof, after such capital shall be made up:* therefore, and for removing the doubts and difficulties aforesaid, touching the execution of the said recited act, and for preserving a just and equal proportion, as much as is possible, between the contributions made to the said fund by any minister, head, principal, or master, and the sums to be drawn out of the same by his widow and children, and between the widows and children of such contributors; your Majesty's most dutiful and loyal subjects, the trustees named and appointed in and by the said recited act for putting the same in execution, as specially warrant-

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ed and authorized to that effect by the general assembly of the church of *Scotland*, holden in the month of *May* last, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the fifteenth day of *May*, one thousand seven hundred and forty nine, every minister who shall be ordained and admitted to a benefice in the church of *Scotland*, and every person who shall be admitted as head, principal, or master, in any of the universities of Saint *Andrews*, *Glasgow*, and *Edinburgh*, shall make his election to which of the four yearly rates mentioned in the said recited act he chooses to be subjected, during his life, in manner therein directed, within the times respectively after-mentioned; that is to say, every minister having a benefice in the western or northern isles of *Scotland*, on or before the fifteenth day of *January*, that shall first happen after such minister shall have had right to his benefice for a year and half; and every other minister aforesaid of the church of *Scotland*, on or before the fifteenth day of *January*, that shall first happen after such minister shall have had right to his benefice for one half year; and every head, principal, or other master aforesaid, of any of the said three universities, on or before the fifteenth day of *January*, that shall first happen after he hath held his office for four calendar months; and every respective minister, head, principal, or master, neglecting to notify his election in the form and manner prescribed by the said recited act, within the respective times herein before limited, shall be deemed and held to have made his election of the annual rate of three pounds, eighteen shillings, and nine pence, and shall be liable to the said rate accordingly, during his life.

Beneficed ministers and heads of the universities to choose within a certain time, to which of the yearly rates they will be subject.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the lords of council and session in *Scotland*, or any one of them, to issue letters of horning, at the instance of the general collector or receiver for the time being, of the annual rates or other sums imposed by the said recited act, against all and every the ministers of the church of *Scotland*, and heads, principals, and masters in the universities, subject or liable to the same, for compelling payment of their annual, or other rates or sums, principal or interest, to the payment of which they or any of them are or may be liable by virtue of the said recited act; and that the said letters of horning shall be executed, and other proceedings shall be had thereon, in the same form and manner as is now in use, and authorized by law, with respect to hornings at the instance of the ministers of the said church of *Scotland*, for compelling payment of their stipends; and that no suspension of any charge, to be given in virtue of such letters of horning, shall be past without consignation of the sum charged for, as is also in use, and authorized by law in the

The lords of session, upon application, to issue letters of horning for payment of the rates.

Methods of executing the letters.

the aforesaid case; any law or custom to the contrary notwithstanding.

Trustees to stop one half of every annuity where the contributor, &c. shall not have paid to the fund a sum equal to 3 years amount of such annuity, &c.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the trustees for the time being, executing the said act, and they are hereby, required to stop and deduct the one half of every annuity which shall become payable, for the first time, at the term of *Whitsunday*, one thousand seven hundred and forty nine, or at any term of *Whitsunday* thereafter, to the widow of every minister of the church of *Scotland*, and of every head, principal, or master, in any of the three universities above mentioned, subject and liable to the annual rates aforesaid, who shall not have paid, during the time of and by his being a contributor to the said fund, a sum equal to three years amount of the annuity correspondent to his annual rate, and the like at every succeeding term of *Whitsunday*, during the life of such widow, until either she shall pay into the fund, or until such stoppages and deductions shall amount to as much, as together with the sums paid by her husband (without computing any interest thereon) shall make up or be equal to three years of her annuity; and that it shall and may be lawful for the trustees aforesaid, and they are hereby required to stop and detain out of the sum or provision which shall become payable, at the said term of *Whitsunday*, one thousand seven hundred and forty nine, or at any term of *Whitsunday* thereafter, to the child or children of every minister, head, principal, or master, subject and liable to the annual rates aforesaid, who shall not have paid a sum equal to the amount of three years annuity corresponding to his annual rate, so much as, together with the sums paid by him, or that may have been deducted from his widow (without computing interest thereon) shall make up or be equal to three years of the said corresponding annuity; and the widows or children aforesaid shall only be intitled, in the respective cases and events aforesaid, to the remainder, after the said respective stoppages or deductions of annuities or sums provided to them severally by the said recited act; any thing therein contained to the contrary notwithstanding.

Certain sums to be applied yearly for raising a fund of 30l. in the hands of every minister, and the heads of the universities;

IV. And be it further enacted by the authority aforesaid, That the trustees named in, or appointed by the said recited act, and acting for the time being in the execution thereof, shall order and direct, and take care, that the sums after mentioned shall be applied, from year to year, out of the first and readiest of the whole produce, in virtue of the aforesaid recited act, after defraying the annual expence of management (as settled and limited by the said recited act, and this present act) for and towards raising and securing a stock or fund to the extent of thirty pounds of lawful money of *Great Britain*, to and in the hands of each minister in the church of *Scotland*, and each head, principal, or master, in the said universities of *Saint Andrews*, *Glasgow*, and *Edinburgh*, who shall have become subject to one or other of the annual rates above mentioned; and a further sum of

of fifty thousand pounds like money, of capital, by their lending, or causing to be lent out of the after mentioned sums annually, in the manner prescribed in and by the said act; that is to say, three thousand pounds shall be so applied at the term of *Whitsunday*, in each of the years, from one thousand seven hundred and forty nine, to one thousand seven hundred and fifty two, both inclusive; two thousand pounds at the term of *Whitsunday*, in each of the years, from one thousand seven hundred and fifty three, to one thousand seven hundred and fifty six, both inclusive; one thousand pounds at the term of *Whitsunday*, in each of the years, from one thousand seven hundred and fifty seven, to one thousand seven hundred and sixty three, both inclusive; four hundred pounds at the term of *Whitsunday*, in each of the years, from one thousand seven hundred and sixty four, to one thousand seven hundred and seventy, both inclusive; and two hundred pounds at the term of *Whitsunday*, in the year one thousand seven hundred and seventy one; and at the term of *Whitsunday* in each year thereafter, until each minister, head, principal, or master, subject to one or other of the annual rates aforesaid, shall have received thirty pounds in loan; and likewise until the said further sum or capital of fifty thousand pounds shall have been made up.

and a capital of 50,000 l. to be lent out as directed by recited act.

V. And be it further enacted, That if the annual produce aforesaid, in any one year, computed from *Martinmas* to *Martinmas*, shall exceed the charges of management, and the sums hereby ordered to be applied for raising the stock, and the annuities due to the widows, and provisions due to the children, for that year, and the arrears of the annuities and provisions for former years herein after mentioned (if any such were) such excess or surplus shall be applied to the purpose aforesaid, of raising the capital stock or fund, by lending out the same along with the sums herein before appointed to be lent out for such respective year.

Surplus of the annual produce how to be applied.

VI. Provided always, and it is enacted by the authority aforesaid, That although the annual surplus aforesaid, for any one year, computed from *Martinmas* to *Martinmas*, after payment of the charges of management, and of the sum hereby appointed to be applied for raising of the stock or capital fund for that year, shall not be sufficient to pay the whole annuities to widows, and provisions to children, payable for that year, in virtue of the said recited act, and of this present act, yet no incroachment shall on that account be made upon the capital, so far as then raised; nor shall the farther raising thereof, according to the true intent and meaning of this act, be thereby stopped or retarded, but such deficiency or short-coming shall first affect the childrens provisions proportionably, and then the annuities of all the widows intitled proportionably, without regard to the order of time in which those provisions or annuities become due; and the same shall again be made good to them out of the surplus of the produce, computed as aforesaid, for the succeeding year or years, in this order, *viz.* after payment of the expence of

Deficiencies of the surplus for payment of the annuities how to be made good.

management, and of the sum to be applied for raising the stock as aforesaid, the widows annuities unpaid in the preceding year, shall be paid and made good in the first place; and then the widows annuities of the current year; and after the said annuities, the childrens provisions of the former year or years, according to the order of time in which they become due to them, as aforesaid; and lastly, the childrens provisions for the current year.

Capital fund not to exceed 50,000l. over and above 30l. to be lent to each minister, &c.

VII. Provided also, and it is hereby enacted, That the capital fund or stock to be settled and secured as aforesaid, shall at no time exceed the foresaid sum of fifty thousand pounds, over and above the sum of thirty pounds lent to each minister, head, principal, or master as aforesaid; and that after such capital shall be raised, the surplus of the annual income, under the management of the trustees aforesaid, arising in any one year, computed from *Martinmas* to *Martinmas*, after payment of all the burdens of that year, including the arrears of former years aforesaid (if any be) shall, at the *Whitsunday* when such surplus arises, be distributed to, and divided amongst, all the widows then intitled to annuities, and all the children then intitled to receive provisions; so as that each widow, and each child, shall receive a proportionable share of such surplus, correspondent to the extent of the annual rates of their deceased husbands or fathers.

Application of the surplus.

Regulations touching the management of the capital,

VIII. And be it further enacted by the authority aforesaid, That all and every other regulation, enacted by the said recited act of the seventeenth year of his Majesty's reign, touching the securing and management of the capital stock therein mentioned, and for making up any accidental diminution of, or preventing any encroachment upon the same, after it shall be made up, in whole or in part, shall subsist, take place, and be in force, with regard to the capital stock hereby permitted to be raised, when it shall be so raised in whole or in part, in the same manner as if every one of the said regulations had been herein repeated and re-enacted.

IX. *And whereas the old church isle of* Edinburgh *was found to be a place so inconvenient for the meeting of the trustees, appointed to execute the said recited act of parliament, that soon after their entering on the execution thereof, they were obliged to build, and did cause to be built, a house within the city of* Edinburgh, *containing a hall for their meetings, and offices for their collector and clerk, and a charter room for the preservation of their books and papers, a great part of the expence of which building remains yet unpaid: and whereas doubts have been raised, whether the said trustees can legally hold any of the four quarterly meetings appointed by the said recited act, in the said hall; and whether the debt incurred by the said building, and the expence of keeping it in repair, be such necessary incidental expences, as fall within the intendment of one of the clauses herein before recited*; be it therefore enacted by the authority aforesaid, That from and after the fifteenth day of *May*, one thousand seven hundred and forty nine, the trustees named and appointed by the said recited

recited act of the seventeenth year of his Majesty's reign, and their successors, shall hold the four stated regular meetings yearly, appointed to be held by the said act, upon the days therein mentioned, in the hall of the house aforesaid, built by the said trustees within the city of *Edinburgh*; and that they may and shall do and act at such meetings, in the same manner, as they might and ought to have done in the old church isle of *Edinburgh*; and that the remaining debt incurred by the said trustees for building the said house, and the expence in keeping the same in repair, shall be held and deemed to be, and make a part of the necessary incidental expences of the said trustees provided for by the said recited act, and shall be paid by the general collector or receiver of the annual rates, and other sums raised or to be raised in virtue thereof, and shall be allowed to him out of the annual receipts; provided the same, and all the other incidental expences provided for by the said act, do not, in any one year, exceed the sum of forty pounds of lawful money of *Great Britain*.

Trustees to hold their annual meetings in the house built by them;

and to pay the debt incurred for building,

Incidental expences not to exceed 40l. per annum.

X. *And whereas the ministers, heads, principals, or masters, who were in the said church, or any of the said universities, at the commencement of the said in part recited act, will purchase the annuities to their widows, and provisions to their children, at less expence than future intrants, having held their benefices and offices for a considerable time, without the burden of the present annual rates*; be it therefore enacted by the authority aforesaid, That every such minister, and every such head, principal, or master, shall, at the term of *Candlemas*, in each of the years of our Lord one thousand seven hundred and fifty, one thousand seven hundred and fifty one, one thousand seven hundred and fifty two, one thousand seven hundred and fifty three, one thousand seven hundred and fifty four, and one thousand seven hundred and fifty five, according to the computation in *Scotland*, pay to the general collector, at his office in *Edinburgh*, legal interest of the thirty pounds lent, or that shall be lent to him; and the produce arising from the difference betwixt the legal interest and the four pounds *per centum*, now payable on account of the loans of thirty pounds lent to the contributors, shall be applied at the sight, and by direction of the trustees for defraying the expence incurred in obtaining this present act of parliament, and for paying whatever sums shall, on the fifteenth of *May*, one thousand seven hundred and forty nine, be resting of the charge incurred, by building the house within the city of *Edinburgh*, containing a hall for the meetings of the trustees, offices for their collectors and clerks, and a charter room for the preservation of their books and papers; and the surplus thereof shall go towards increasing the said capital; and that the said additional interests shall not be computed as any part of the three years annuity, which every contributor is hereby obliged to make good to the fund, in the manner already directed.

Ministers, &c. who were in the church, &c. at the commencement of the act, to pay interest of 30l. for 6 years.

Application of the interests.

XI. *And whereas by the said in part recited act of the seventeenth year of his Majesty's reign, it was further enacted, That if the uni-*

*versity of* Aberdeen, *or any of the colleges therein, should apply to the then next general assembly of the church of* Scotland, *declaring, that they desired to be comprehended in that act, the heads, principals, and masters, in the said university of* Aberdeen, *or in either of the colleges of the said university, should be comprehended in that act, and should be subject to the annual rates, and other burdens thereby imposed; and they, and their widows and children respectively, should be intitled to the privileges and provisions therein contained, in like manner, in all respects, as with respect to the heads, principals, and masters, in the universities of* Saint Andrews, *and* Glasgow, *was therein before enacted: and whereas applications were accordingly made by the* King's College *of* Aberdeen, *and by the* Mareshall College *of* Aberdeen, *to the general assembly of the church of* Scotland, *which was held at* Edinburgh, *in the month of* May, *in the year of our Lord one thousand seven hundred and forty four, by which the said colleges respectively declared, that they desired to be comprehended in the said act*; be it therefore further enacted by the authority aforesaid, That the heads, principals, and masters, in the said university of *Aberdeen*, or in the *King's College* and *Mareshall College* of *Aberdeen*, shall be comprehended in this present act, and be deemed to have been comprehended in the said in part recited act, and shall be subject to the annual rates and other burdens thereby, or by this act imposed; and their widows and children respectively shall be intitled to the privileges and provisions therein contained, subject to the variations by this act provided, in like manner, in all respects, as, with respect to the heads, principals, and masters in the universities of *Saint Andrews* and *Glasgow*, was by the said in part recited act, and is herein before enacted.

The heads, &c. of the university of Aberdeen, comprehended in this and the recited act, &c.

Publick act.

XII. And it is hereby further enacted and declared, That this act shall be deemed and taken to be a publick act; and all judges, justices, and other persons, are to take notice thereof as such in all courts and places whatsoever, without specially pleading the same.

## CAP. XXII.

*An act for the better ascertaining, recovering, and collecting, certain duties commonly called petty customs, or wharfage, payable upon the importation and exportation of goods and merchandizes into, or out of, the harbour of the borough and town of* Waymouth *and* Melcombe Regis *in the county of* Dorset; *and also of ballast and harbour-duties payable in respect of ships and vessels coming into, and going out of, the said harbour, and for the better repairing and keeping in repair the said harbour and the wharfs, and other publick buildings and works within the said borough and town.*

WHEREAS *the mayor, aldermen, bailiffs, burgesses, and commonalty of the borough and town of* Waymouth, *and* Mel-

combe Regis *in the county of* Dorset, *have for time out of mind, received and been intitled to receive certain duties called petty customs, or wharfage, upon the importation and exportation of all goods and merchandizes into and out of the harbour of* Waymouth *and* Melcombe Regis *aforesaid, from the owner, importer, or exporter of such goods and merchandizes, and also certain other duties there called harbour-dues and ballast-duty, from the masters or commanders of ships and vessels: and which said several dues and duties have been constantly under the management of the mayor, aldermen, bailiffs, and capital or principal burgesses, of the said borough and town, as trustees and managers: and have been applied for the repairing the said harbour, quays, and wharfs, and other publick buildings and works within the said borough and town; and whereas, of late years, several persons have refused to pay the said duties, and have been induced thereto by means of the great difficulties in supporting, by strict legal evidence, prescriptive claims and rights to duties on each particular species of goods, and the exact and precise sums payable for the same, and although the said mayor, aldermen, bailiffs, burgesses, and commonalty, in order to support their right to the same, have brought several actions, and obtained verdicts of damages, by which such their right in general hath been established; yet by means of the expences in carrying on such suits, and the many continued evasions and refusals of payment, the fund for the repairing the said harbour, quays, and wharfs, and other publick buildings and works, hath been considerably lessened, and the said wharfs, quays, and other buildings and works, are now in a ruinous condition, and will be entirely destroyed, if not timely prevented*; for remedy whereof, be it enacted, *&c.*

There shall be paid to the mayor, &c. of Waymouth and Melcombe Regis, for all goods imported and exported, and for all ships coming into the harbour, the duties specified in the schedules annexed. Collector, quay-master, and treasurer, to be appointed; with salaries not exceeding 2s. in the pound of the money received. The accounts to be audited every year. Accounts may be inspected by the inhabitants, and copies taken. Master of ship to deliver to the collector his wharfage bill, on penalty of 5l. Quay-master to appoint stations for the ships. Masters of vessels not complying, to forfeit 40s. Damage done by vessels to the bridge, wharfs, or quays, to be ascertained upon oath of 3 persons; on non-payment, the sum to be levied by distress and sale of the vessel. Persons throwing ballast into the harbour, to be fined for a publick nuisance.

## Petty customs or wharfage-duties.

FOR every chaldron of coals, or goods, paying duty by the chaldron, 2d. For every ton of tobacco pipe clay, bushel iron and stone, 3d. For every ton of salt, and other goods, paying duty or freight by the ton, 6d. For every load of fir timber, 3d; load of walnut, mahogany, and plank, 1s; load of oak, or other timber, trenals, hoops, &c. 4d; hundred of spars and ufers, 4d; hundred of wainscot boards twelve feet in length, and one inch thick, and so in proportion, 1s; hundred of double deals, 9d; hundred of single deals, 6d; hundred of pipe staves, 2d; hundred of hogshead staves, 3 halfpence; hundred of barrel staves, 1d; bushel of clover seed, 1 halfpenny; quarter of malt, barley, and oats, 1d; quarter of wheat, and other grains and seeds, 3 halfpence; load of flour 10d; load of bran, 3d. Hogshead of beer, cyder, and vinegar, 3 halfpence; hogshead of brandy, and other spirituous liquors, 4d; hogshead of wine, oil, or other liquors, 3d: hogshead of molasses (containing one hundred gallons) and of fullers earth and whiting, 6d; hogshead of tobacco, 8d;

butt of currants, and hogshead of sugar, and other dry goods, 1s; tierce of sugar, or dry goods, 8d; barrel of pitch or tar, 1d; barrel of groceries or other goods, 2d. For every crate, hamper, and chest of glass, and fine earthen ware, and for every load of coarse earthen ware, 4d. For linnen or woollen, 2d. per hundred weight. For every hundred weight of rice, logwood, allum, shot, cordage, hemp, and flax, 3 farthings. For every hundred weight of raisins, prunes, and figs, 1d. For every hundred of spices, and other goods, paying duty or freight by the hundred, 2d. For every chest of oranges or lemons, 1d; one hundred feet of paving stone, 4d; thousand of tyles, bricks, or clinkers, and firkin staves, 3d, thousand of flatts, 3 halfpence; gross of bottles, 3d. For goods not enumerated, one twelfth of the freight, from London to Weymouth.

## Harbour-dues and ballast-duties.

FOR every British ship, not belonging to inhabitants, which shall load or unload in the harbour, 2s. For every such ship which shall sail into the harbour, and neither load nor unload there, 1s. 6d. For every ship belonging to inhabitants, which shall load or unload, 1s. and so in proportion to parts of ships belonging to inhabitants. For every foreign ship, which shall sail into the harbour, 3s. For every such ship which shall load or unload, 1d. per ton. For every ton of stone taken out of one vessel into another in the harbour, three half-pence. For every ton of ballast taken out of one ship into another in the harbour, 10d. For every ton of ballast taken into any ship from the quay, 1s. For every ton of ballast put out of any ship on the quay, 4d. For every ton of ballast put out of one ship into another, 2d. For every ton of ballast taken on board any foreign ship, 2s. For every ton of ballast put out of such ship, 8d.

## CAP. XXIII.

*An act to charge the sinking fund with the payment of annuities in discharge of navy, victualling, and transport bills, and ordnance debentures, to the amount therein mentioned.*

Most gracious Sovereign,

WHEREAS *notwithstanding the many and great supplies granted to your Majesty for carrying on the late war, the following debts and deficiencies (amongst others) remain still due and unprovided for (that is to say) To discharge the bills payable in course of the navy and victualling offices, and for transports, which were made out between the first day of* January, *one thousand seven hundred and forty seven, and the thirty first day of* December, *one thousand seven hundred and forty eight, the sum of three millions at the least; and to discharge the debentures payable out of the office of ordnance, which were made out on or before the said thirty first day of* December *one thousand seven hundred and forty eight, the sum of two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny, amounting together in the whole to the sum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny; many of which debts carry an interest after the rate of five pounds* per centum per annum: now we, your Majesty's most dutiful and faithful subjects, the commons of *Great Britain*, in parliament assembled, being desirous to do all that becomes dutiful and faithful subjects to render happy and glorious the reign of the best of sovereigns, and having taken into our serious consideration the said debts and deficiencies, and the many ill consequences which may arise to the publick thereby

thereby (if not timely remedied) and being heartily zealous to preserve the honour of your Majesty and the nation, and to establish publick credit, have resolved (in order to make a provision for the said debts and deficiencies, amounting to the said sum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny) to give and grant unto your Majesty such supply as is hereafter mentioned, for paying an interest or annuity, after the rate of four pounds *per centum per annum*, for the said principal sum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny, in lieu of all other interest, until the same shall be redeemed and paid off, in manner hereafter mentioned: and that a good, sure, and lasting fund may be settled and established for paying the said interest or annuities, after the said rate of four pounds *per centum per annum*, by half-yearly payments, we do give and grant to your Majesty, your heirs and successors, for the purposes aforesaid, so much monies out of the surplusses, excesses, or overplus monies, commonly called *The sinking fund*, as shall be sufficient to satisfy and pay the said annuities, in manner herein after mentioned; and do most humbly beseech your Majesty to accept thereof; and that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the annuities which by this act shall be granted and made payable, in respect of the said principal sum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny, until the redemption thereof by parliament, in manner hereafter mentioned, shall from and after the feast of the annunciation of the blessed virgin *Mary*, one thousand seven hundred and forty nine, be charged and chargeable upon, and payable out of the monies which, from and after the said feast day, shall from time to time arise, and be remaining in the receipt of his Majesty's exchequer, of or for the said surplusses, excesses, or overplus monies, commonly called *The sinking fund* (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) and the said surplusses, excesses, or overplus monies, are hereby appropriated for that purpose accordingly.

Annuities chargeable on the principal sum of 3,230,382 l. 5s. 1d. to be paid out of the sinking fund.

II. *And whereas it is the true intent and meaning of this act, that all the bills, payable in course out of his Majesty's offices of the navy, or victualling, or for transports, which were dated or made out in those offices on or before the said thirty first day of* December, *one thousand seven hundred and forty eight, not exceeding the said sum of three millions, shall be carried to the treasury of his Majesty's navy, to be marked and certified to the governor and company of the bank of* England; *and also that all the debentures, payable out of his Majesty's office of ordnance, which were dated on or before the said thirty first day of* December, *one thousand seven hundred and forty eight,*

*not*

*not exceeding the said sum of two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny, shall be carried to the treasurer of his Majesty's office of ordnance, to be certified by him to the said governor and company of the bank of* England; *and that the proprietors of such bills and debentures shall, in respect of the principal sums contained in every such bill or debenture, together with the interest thereupon, computed to the twenty fifth day of* March, *one thousand seven hundred and forty nine, be intitled to an annuity after the rate of four pounds* per centum per annum, *to commence from the said feast of the annunciation of the blessed Virgin* Mary, *one thousand seven hundred and forty nine, payable half yearly, and be charged on the said surplusses, excesses, or overplus monies, commonly called* The sinking fund, *and transferrable at the bank of* England, *until redeemed by parliament*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of his Majesty's navy for the time being, to take in and receive from all and every person and persons, natives or foreigners, bodies politick or corporate, who are or shall be possessed of, interested in, or intitled unto any such navy, victualling, or transport bills, all such bills as any such person or persons shall, on or before the twentieth day of *April*, one thousand seven hundred and forty nine, deliver to such treasurer, who is hereby authorized and required to mark and cancel every such bill, and certify the same to the said governor and company of the bank of *England*; and that it shall also be lawful for the treasurer of his Majesty's office of ordnance in like manner to take in all debentures payable out of the said office of ordnance, which shall, on or before the said twentieth day of *April*, one thousand seven hundred and forty nine, be delivered to him, who is hereby also authorized and required to cancel the same, and certify every such debenture to the said governor and company of the bank of *England*.

Treasurers of the navy and ordnance to take in all navy, victualling, and transport bills, and ordnance debentures, before 20 April, 1749.

and to cancel them, and certify the same to the bank.

III. And it is hereby also enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, who shall be possessed of, interested in, or intitled unto any such navy, victualling, or transport bills, payable in course, or any such debentures payable out of the said office of ordnance, which were dated or made out in the said respective offices, on or before the said thirty first day of *December*, one thousand seven hundred and forty eight, to deliver such bill or bills, debenture or debentures, to the respective treasurers of those offices, to be marked, cancelled, and certified as aforesaid, at any time on or before the said twentieth day of *April*, one thousand seven hundred and forty nine, at such place or places as have or shall be appointed, and of which publick notice hath or shall be given in the *London Gazette*, and other publick papers for that purpose.

Navy bills, or ordnance debentures, made out before 31 Dec. 1748, to be delivered to the treasurers within the time.

IV. And be it further enacted by the authority aforesaid, That every person and persons, who shall deliver any such bill or bills, debenture or debentures, to such respective treasurers as aforesaid, shall, in respect of the principal sum or sums contained in every

Person delivering such bills, or debentures,

every such bill or bills, debenture or debentures, together with the interest due thereupon to the said twenty fifth day of *March*, one thousand seven hundred and forty nine, be intituled to an annuity after the said rate of four pounds *per centum per annum*, to commence from the said feast day of the annunciation of the blessed Virgin *Mary*, one thousand seven hundred and forty nine, and to be paid and payable to such person or persons, or such as he, she, or they shall nominate his, her, or their executors, administrators, successors, or assigns respectively, until the redemption thereof by parliament, in manner herein after directed in that behalf, which said annuities shall be paid and payable half yearly, at two of the most usual feasts or days of payment in the year (that is to say) the feasts of Saint *Michael* the Archangel, and the annunciation of the blessed Virgin *Mary*, the first payment thereof to be due and payable at the feast of Saint *Michael* the Archangel, which shall be in the year of our Lord one thousand seven hundred and forty nine.

to be intituled to an annuity of 4l. per centum.

V. And be it further enacted by the authority aforesaid, That all and every person and persons, intitled to any annuity or annuities as aforesaid, or such as he, she, or they shall appoint his, her, or their respective executors, administrators, successors, or assigns, shall have, receive, and enjoy, such respective annuity or annuities, out of the monies by this act appropriated as aforesaid, until redemption thereof by parliament, according to the proviso herein after contained in that behalf; and that all and every such person or persons, their executors, administrators, successors, and assigns respectively, shall have good, sure, absolute, and indefeazible estates and interests in the said annuities, according to the tenor and true meaning of this act; and that all such estates and interests of and in the said annuities, and every of them, shall be, and be adjudged, taken, and accepted in construction of law, and in all courts of law and equity whatsoever, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or intitled thereunto, and not to the heirs of such person or persons; any law, custom or usage to the contrary notwithstanding; and that all the said annuities, and every of them, shall be free from all taxes, charges, and impositions whatsoever.

Annuities to be payable till redeemed by parliament,

and to be a personal estate.

VI. And be it further enacted by the authority aforesaid, That the said respective treasurers shall, and they are hereby authorized and required, upon any person or persons delivering to them any such bill or bills, debenture or debentures, forthwith to give a certificate signed by them respectively, for the principal sums contained in such bill or bills, debenture or debentures, together with the interest thereupon, computed to the said twenty fifth day of *March*, one thousand seven hundred and forty nine, as aforesaid, to such person or persons, or his or her assigns; and all such certificates shall be assignable by endorsements thereupon made at any time before the twenty ninth day of *September*, one thousand seven hundred and forty nine, and no longer; and all such

Treasurers to give certificates for the principal sums contained in such bills or debentures, with the interest due.

Certificates to be assignable, and not chargeable with stamp duty.

such certificates and assignments thereupon shall not be chargeable with any stamp duties, any law or statute to the contrary notwithstanding.

Interest of the bills, &c. carrying interest, to be computed to 25 March, 1749, and to be added to the principal.

VII. And be it further enacted by the authority aforesaid, That the interest of such of the said bills and debentures, by this act intended to be delivered up (as carry interest) shall be computed to the said twenty fifth day of *March*, one thousand seven hundred and forty nine, and shall be added to the principal sum contained in every such bill or debenture, and so much as such principal and interest computed as aforesaid shall amount unto, shall be the principal sum for which the person or persons delivering the same shall be intitled to an annuity after the said rate of four pounds *per centum per annum*, until redemption thereof, in manner hereafter mentioned.

Guardians may deliver up such bills or debentures as infants shall be intitled to, &c.

VIII. Provided also, and be it further enacted by the authority aforesaid, That if any infants shall by the gift, devise, or decease of the parent or other relation of such infants, or otherwise become intitled to any of the said bills or debentures intended to be provided for by this act, in such case the guardian or guardians, trustee or trustees, of such infant or infants, shall or may be, and they are hereby impowered, for the benefit of such infant or infants, to deliver up to such respective treasurers, all such of the said bills or debentures, to which such infant or infants shall be so intitled, and such infant and infants, guardian or guardians, trustee or trustees, delivering up such bills or debentures, shall be intitled to an annuity or annuities, after the said rate of four pounds *per centum per annum*, in respect of the principal sums contained in such bill or bills, debenture or debentures so to be delivered up, together with the interest thereupon, computed to the said twenty fifth day of *March*, one thousand seven hundred and forty nine, to be paid out of the monies by this act appropriated for that purpose; and the said guardian or guardians, trustee or trustees, shall be discharged from the same, any thing herein contained, or any law, usage, or custom, to the contrary in any wise notwithstanding.

Executors and trustees of ideots, &c. may deliver up such bills as they shall be possessed of, &c.

IX. Provided also, and be it further enacted by the authority aforesaid, That any person or persons who as executor to, or administrator, trustee, committee of an ideot, or lunatick, or persons of unsound mind, depositary or mortgagee, shall be or become possessed of, interested in, or intitled unto any of the said bills or debentures intended to be provided for by this act, shall and may deliver up such bills or debentures as they shall be so possessed of, interested in, or intitled unto, to such respective treasurers as aforesaid; and as to executors or administrators, the annuities after the said rate of four pounds *per centum per annum*, which they shall be intitled to in respect of the principal sums contained in such bills or debentures so by them delivered up, together with the interest thereupon, computed to the said twenty fifth day of *March*, one thousand seven hundred and forty nine, as aforesaid, shall be the same assets in their hands, as the said bills or debentures were or would have been, had they not been

so

so delivered up for such annuity as aforesaid; and as to trustees, committees, depositaries and mortgagees, the annuity which they shall be intitled unto, for or in respect of such trust, or mortgaged bills or debentures, which they shall so deliver up to such respective treasurers as aforesaid, shall be subject and liable to the same trusts and equity of redemption, as such bills or debentures were or would have been, had they not been so delivered up for such annuity as aforesaid.

The bank to receive the certificates, and give credit for the principal sums.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company of the bank of *England*, and their successors, or such person or persons as they shall appoint for that purpose, and he and they are hereby respectively authorized and required to take in and receive all and every the certificates, to be made out in lieu of the said bills and debentures, by the respective treasurers of his Majesty's navy and ordnance as aforesaid, in pursuance of the directions of this act; and upon the receipt of every such certificate shall, and they are hereby required forthwith to give credit in a book or books to be prepared for that purpose, for the principal sums contained in every such certificate so brought to them as aforesaid; and the person to whose credit such principal sums shall be entered in the said book or books, his, her, or their executors, administrators, or assigns, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, bodies politick or corporate whatsoever, in other books to be prepared and kept for that purpose; and the principal sums so assigned and transferred, shall carry the said annuity of four pounds *per centum per annum*, and shall be taken and deemed to be stock transferrable by this act, according to the powers and authorities herein after mentioned, until redemption thereof as aforesaid; and the said governor and company for the time being shall also, on or before the twenty fourth day of *June*, one thousand seven hundred and fifty, transmit an attested duplicate, fairly written on paper, of the said book or books, first herein after mentioned, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

Bank to transmit a copy to the exchequer.

XI. And for the more easy and sure payment of the several annuities by this act made payable as aforesaid, amounting in the whole to the sum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny, it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall from time to time, until the said annuities after the rate of four pounds *per centum per annum*, shall be redeemed according to this act, appoint and employ one or more sufficient persons within their office in the city of *London*, to be their chief or first cashier or cashiers, and one other sufficient person within the same office, to be their accomptant general; and that so much of the monies, from time to time, arising into the said receipt of the exchequer, of or for the said surplusses,

The bank to employ a cashier and accomptant general;

Treasury to order the monies appropri-

ated for the annuities, to be paid by way of impreſt.

pluſſes, exceſſes, or overplus monies, by this act appropriated for this purpoſe, as ſhall be ſufficient from time to time, to anſwer the ſaid annuities, and other payments directed to be made or diſcharged out of the ſame, ſhall, by order of the commiſſioners of the treaſury, or any three or more of them now being, or the high treaſurer, or commiſſioners of the treaſury of his Majeſty, his heirs or ſucceſſors for the time being, without any further or other warrant to be ſued for, had, or obtained in that behalf, from time to time, at the reſpective half yearly feaſt days, or days of payment, in this act before appointed for payment thereof, be iſſued and paid at the ſaid receipt of exchequer, to the ſaid firſt or chief caſhier or caſhiers of the ſaid governor and company of the bank of *England*, and their ſucceſſors for the time being, by way of impreſt, and upon account, for the payment of the ſaid annuities made payable by this act as aforeſaid, at ſuch times, and in ſuch manner and form, as are by this act preſcribed in that behalf; and that all and every ſuch caſhier or caſhiers, to whom the ſaid monies ſhall, from time to time, be iſſued, ſhall, from time to time, without delay, apply and pay the ſame accordingly, and render his account thereof according to the due courſe of the exchequer; any thing herein contained to the contrary notwithſtanding.

Caſhier to pay the annuities, and give an account to the exchequer.

Accomptant general to inſpect the receipts and payments.

XII. And it is hereby alſo enacted, That the ſaid accomptant general for the time being ſhall, from time to time, inſpect and examine all receipts and payments of the ſaid caſhier or caſhiers, and the vouchers relating thereunto, in order to prevent any frauds, negligence, or delay; and that all and every perſon and perſons whatſoever, who ſhall be intitled to any of the ſaid annuities, after the ſaid rate of four pounds *per centum per annum*, and all perſons lawfully claiming under them, ſhall be poſſeſſed thereof as of a perſonal eſtate, and the ſame ſhall not be deſcendible to the heir, and ſhall not be liable to any foreign attachment by the cuſtom of *London*, or otherwiſe; any law, ſtatute, or cuſtom to the contrary notwithſtanding.

Annuities to be a joint ſtock.

XIII. And be it further enacted by the authority aforeſaid, That all the monies intended to be converted into annuities by virtue of this act, ſhall be deemed, reputed, and taken to be one capital or joint ſtock, on which the ſaid annuities, after the ſaid rate of four pounds *per centum per annum*, ſhall be attending; and that all and every perſon and perſons, and corporations whatſoever, in proportion to the money which he, ſhe, or they ſhall be intitled to as aforeſaid, ſhall have, and be deemed to have a proportional intereſt and ſhare in the ſaid ſtock, and in the annuity attending the ſame, at the rate aforeſaid; and that the ſaid whole capital or joint ſtock, or any ſhare or intereſt therein, and the proportional annuity attending the ſame, ſhall be aſſignable and transferrable as this act directs, and not otherwiſe; and that there ſhall conſtantly be kept, at all ſeaſonable times, in the office of the ſaid accomptant general for the time being, within the city of *London*, a book or books, wherein all aſſignments or transfers of the ſaid whole capital or joint ſtock

Shares to be transferred.

or

or any part thereof, and the proportional annuity attending the same, at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or if such party be absent, by his, her, or their attorney or attornies thereunto lawfully authorized, by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons to whom such transfer shall be made, do underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good and available in law; and that no stamp duties whatsoever shall be charged on the said transfers, or any of them; any other law or statute to the contrary notwithstanding.

Method of transferring.

XIV. Provided always, and it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, (notwithstanding the redemption of all or any their own funds, in pursuance of the acts for establishing the same, or any of them) shall continue a corporation with all the powers, privileges, and advantages thereunto belonging, for the purposes in this act expressed, till all the annuities to be purchased under this act shall be redeemed by parliament, according to the proviso herein after contained in that behalf; and the said governor and company, or any members thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act.

The bank to continue a corporation till the annuities be redeemed.

XV. And it is hereby enacted by the authority aforesaid, That no fee or gratuity whatsoever shall be demanded or taken for receiving or taking in the said bills or debentures, or any of them, or for granting certificates in lieu thereof as aforesaid, or for issuing the monies for paying the said annuities, or any of them; and that no fee or gratuity shall be demanded or taken for any transfer of any sum, great or small, to be made in pursuance of this act, upon pain that any officer or person offending, by taking or demanding any fee or gratuity contrary to this act, shall forfeit the sum of twenty pounds to the party grieved, to be recovered with full costs of suit, in any of his Majesty's courts of record at *Westminster*.

No fee for receiving the bills, granting certificates, or for any transfer.

Penalty 20l.

XVI. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized to reward all such persons as shall be any ways employed in the execution of this act, for their service, pains, and labour; and also to defray such incident charges as shall necessarily attend the same, out of the said surplusses, excesses, or overplus monies; and also to appoint such allowances (out of the said surplusses, excesses, or overplus monies) for the service, pains, and labour

Treasury to reward persons employed in the execution of this act, &c.

of

of the cashier or cashiers of the said governor and company of the bank of *England*, for receiving, paying, and accounting for the said annuities made payable by this act, and also for the service, pains, and trouble of the accomptant general of the said governor and company, for performing the duty and trust incumbent on him by this act, as they shall think just and reasonable; all which allowances hereby impowered to be made as aforesaid, in respect to the service, pains, and labour of any officer or officers of the said governor and company of the bank of *England*, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

Allowances made to the officers of the bank, to be at the disposal of the company.

XVII. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon one year's notice, to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* of *London*, by authority of parliament, at any of the half yearly feast days for payment of the same annuities; and upon repayment by parliament of the principal sum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny (by payments not being less than five hundred thousand pounds at a time) for which the said annuities are payable to such respective persons or corporations as shall be intitled to the same annuities; and also upon full payment of all arrearages of the same annuities, then, and not till then, the said respective annuities, or a proportional part thereof, shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the said surplusses, excesses, and overplus monies, by this act granted as aforesaid, shall not be issued or applied to any use or purpose, but as shall be directed by any future act or acts of parliament; any thing in this or any former act or acts of parliament to the contrary notwithstanding; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed at the *Royal Exchange* of *London* as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

Clause of redemption.

XVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this act, or of any the clauses therein contained, such person or persons shall and may plead the general issue, and give this act, and the special matter in evidence for his and their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgment shall be given against him or them upon demurrer, or otherwise, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

General issue.

Treble costs.

CAP.

## CAP. XXIV.

*An act for remedying inconveniencies which may happen by proceedings in actions on the statutes of* hue and cry.

FOR remedying inconveniencies which may happen by proceedings in actions on the statutes of *Hue and Cry*, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty nine, no person whatsoever shall recover against any inhabitant or inhabitants of any hundred, in any action on any of the statutes of *Hue and Cry*, more than the value of two hundred pounds, unless the person or persons so robbed shall, at the time of such robbery, for which such action shall be brought, be together in company, and be in number two at the least, to attest the truth of his or their being so robbed; any law, statute, or provision to the contrary in any wise notwithstanding.

No person to recover in any action on the statutes of *Hue and cry* more than 200 l.

unless at the time of the robbery there be two present to attest the truth thereof.

## CAP. XXV.

*An act to explain and amend so much of an act made in the ninth year of the reign of Queen* Anne, *intituled*, An act for establishing a general post office for all her Majesty's dominions; and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions; *as relates to horses or furniture to be let to persons riding post.*

WHEREAS *by an act made in the ninth year of the reign of her late majesty Queen* Anne, *intituled*, An act for establishing a general post office for all her Majesty's dominions; and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions; *it is (amongst other things) enacted, That no person or persons shall presume to keep, provide, and maintain horses or furniture for the horsing of any person or persons riding post (that is to say) riding several stages upon a post road, and changing horses, or shall lett to hire, or furnish any person or persons whatsoever with horses or furniture for riding post as aforesaid, on any of the roads or stages now or hereafter to be appointed, with or without a guide or horn, for hire or reward, or any agreement or promise of reward, whereby he or they may have any profit or advantage, on pain of forfeiting the sum of five pounds for every several offence against the tenor of the said act: and whereas the said restriction hath been construed to extend to chaises and calashes lett out for hire, and which change horses at certain stages upon the post roads, in like manner as horses lett out by the post office are changed*; be it therefore enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament

9 Annæ, c. 10.

The act not to prohibit the furnishing chaises, &c. upon the road.

ment assembled, and by the authority of the same, That nothing in the said act contained doth or shall extend, or be construed to extend, to restrain or prohibit the letting out for hire, chaises, or calashes, with horses to draw the same, or the furnishing horses for drawing chaises or calashes at any stage or stages upon any post road to any person whatsoever; and that it shall and may be lawful for all persons to lett out for hire, as well upon the post roads as elsewhere, chaises duly licensed, with horses to draw the same, and to furnish or exchange horses for drawing any such chaises or calashes; any thing in the said act to the contrary in any wise notwithstanding.

Persons letting chaises may furnish horses for persons attending.

II. Provided also, and be it further enacted by the authority aforesaid, That it shall be lawful for all persons who lett out chaises or calashes with horses for hire, to lett out horses and furniture for horsing any person or persons accompanying or attending any person or persons who shall travel in chaises or calashes, and to change such horses and furniture in manner as is before-mentioned.

This act not to defeat any judgment before 25 March, 1749.

III. Provided always, and it is hereby declared and enacted, That nothing herein contained shall be construed to extend to stay, annul, or defeat any judgment or verdict obtained by virtue of the said above-recited act of the ninth year of her late majesty Queen *Anne*, on or before the twenty fifth day of *March*, one thousand seven hundred and forty nine, or the proceedings thereon; any thing herein contained to the contrary notwithstanding.

## CAP. XXVI.

An act for repairing and widening the several roads leading into the town of Ross in the county of Hereford.

*Certain tolls granted for 21 years.*

## CAP. XXVII.

*An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linnen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, and silk-manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages.*

13 Geo. 2. c. 8. 1 Annæ, stat. 2. c. 18.

WHEREAS *by an act made in the thirteenth year of his present Majesty's reign, intituled*, An act to explain and amend an act made in the first year of the reign of her late majesty Queen *Anne, intituled, An act for the more effectual preventing the abuses and frauds of persons employed in the working up the woollen, linnen, fustian, cotton, and iron manufactures of this kingdom*, and for extending the said act to the manufactures of leather, *it is amongst other things enacted, That if any person or persons hired or employed in the working up of any woollen, linnen, fustian, or*

*ton, or iron manufactures, shall purloin, imbezil, secrete, sell, pawn, exchange, or otherwise illegally dispose of any the materials with which he, she, or they shall be respectively entrusted to work up such woollen, linnen, fustian, cotton, or iron manufactures, whether the same be or be not first made up or manufactured, or shall reel false or short yarn, the person or persons so offending, and being thereof convicted in manner prescribed by the said act of the first year of her said late Majesty's reign, shall forfeit double the value of the damages which the owner or owners of such materials shall respectively sustain thereby, together with full costs of prosecution for every such offence: and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for the same justice of the peace, before whom such conviction shall be made, to cause the offender or offenders to be committed to the house of correction, to be there whipped and kept to hard labour for any time not exceeding fourteen days: and in case of a further conviction for a second or other subsequent offence for imbezilling or purloining any of the materials in the said act of the first year of her said late Majesty's reign mentioned, that the person or persons so offending shall, for every second or other subsequent offence, forfeit four times the value of the damages which the owner or owners of such materials (whether the same be or be not made up or manufactured) shall sustain thereby, together with such costs of prosecution, as shall be adjudged reasonable by the justice before whom such offender or offenders shall be respectively convicted: and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then such justice, or any other justice of the peace for the county, riding, division, city, town, or place, where such offences shall be committed, shall cause the said offenders to be committed to the house of correction, to be there kept to hard labour for any time not exceeding three months, nor less than one month, as to such justice shall seem reasonable, and also during the time of such commitment shall cause the said offender or offenders to be publickly whipped in the market town where such offender or offenders shall be respectively committed, at the market place or cross of such town, once or oftener, as to such justice shall seem reasonable: and it is by the said act of the thirteenth year of his present Majesty's reign also further enacted, That every person or persons who shall buy or receive, accept or take, by way of gift, pawn, pledge, or sale of or from any of the persons in the said act of the first year of her said late Majesty's reign mentioned, any woollen, linnen, fustian, cotton, or iron manufactures, either before or after the same shall be manufactured or converted into merchantable wares, knowing the same to be so purloined or imbezilled, and being thereof lawfully convicted, shall severally suffer the like forfeitures and penalties as are by the said acts respectively inflicted on persons purloining or imbezilling such of the materials or manufactures enumerated in the said acts respectively; all which forfeitures, when recovered, are by the said act of the thirteenth year of his present Majesty's reign directed to be applied in manner following; that is to say, one moiety thereof to the use of the party or*

The act not to prohibit the furnishing chaises, &c. upon the road.

ment assembled, and by the authority of the same, That nothing in the said act contained doth or shall extend, or be construed to extend, to restrain or prohibit the letting out for hire, chaises, or calashes, with horses to draw the same, or the furnishing horses for drawing chaises or calashes at any stage or stages upon any post road to any person whatsoever; and that it shall and may be lawful for all persons to lett out for hire, as well upon the post roads as elsewhere, chaises duly licensed, with horses to draw the same, and to furnish or exchange horses for drawing any such chaises or calashes; any thing in the said act to the contrary in any wise notwithstanding.

Persons letting chaises may furnish horses for persons attending.

II. Provided also, and be it further enacted by the authority aforesaid, That it shall be lawful for all persons who lett out chaises or calashes with horses for hire, to lett out horses and furniture for horsing any person or persons accompanying or attending any person or persons who shall travel in chaises or calashes, and to change such horses and furniture in manner as is before-mentioned.

This act not to defeat any judgment before 25 March, 1749.

III. Provided always, and it is hereby declared and enacted, That nothing herein contained shall be construed to extend to stay, annul, or defeat any judgment or verdict obtained by virtue of the said above-recited act of the ninth year of her late majesty Queen *Anne*, on or before the twenty fifth day of *March*, one thousand seven hundred and forty nine, or the proceedings thereon; any thing herein contained to the contrary notwithstanding.

## CAP. XXVI.

An act for repairing and widening the several roads leading into the town of Ross in the connty of Hereford.

*Certain tolls granted for 21 years.*

## CAP. XXVII.

*An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linnen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, and silk-manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of of their wages.*

13 Geo. 2. c. 8. 2 Annæ, stat. 2. c. 18.

WHEREAS *by an act made in the thirteenth year of his present Majesty's reign, intituled*, An act to explain and amend an act made in the first year of the reign of her late majesty Queen *Anne, intituled, An act for the more effectual preventing the abuses and frauds of persons employed in the working up the woollen, linnen, fustian, cotton, and iron manufactures of this kingdom*, and for extending the said act to the manufactures of leather, *it is amongst other things enacted, That if any person or persons hired or employed in the working up of any woollen, linnen, fustian, cotton,*

*ton, or iron manufactures, shall purloin, imbezil, secrete, sell, pawn, exchange, or otherwise illegally dispose of any the materials with which he, she, or they shall be respectively entrusted to work up such woollen, linnen, fustian, cotton, or iron manufactures, whether the same be or be not first made up or manufactured, or shall reel false or short yarn, the person or persons so offending, and being thereof convicted in manner prescribed by the said act of the first year of her said late Majesty's reign, shall forfeit double the value of the damages which the owner or owners of such materials shall respectively sustain thereby, together with full costs of prosecution for every such offence: and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for the same justice of the peace, before whom such conviction shall be made, to cause the offender or offenders to be committed to the house of correction, to be there whipped and kept to hard labour for any time not exceeding fourteen days: and in case of a further conviction for a second or other subsequent offence for imbezilling or purloining any of the materials in the said act of the first year of her said late Majesty's reign mentioned, that the person or persons so offending shall, for every second or other subsequent offence, forfeit four times the value of the damages which the owner or owners of such materials (whether the same be or be not made up or manufactured) shall sustain thereby, together with such costs of prosecution, as shall be adjudged reasonable by the justice before whom such offender or offenders shall be respectively convicted: and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then such justice, or any other justice of the peace for the county, riding, division, city, town, or place, where such offences shall be committed, shall cause the said offenders to be committed to the house of correction, to be there kept to hard labour for any time not exceeding three months, nor less than one month, as to such justice shall seem reasonable, and also during the time of such commitment shall cause the said offender or offenders to be publickly whipped in the market town where such offender or offenders shall be respectively committed, at the market place or cross of such town, once or oftener, as to such justice shall seem reasonable: and it is by the said act of the thirteenth year of his present Majesty's reign also further enacted, That every person or persons who shall buy or receive, accept or take, by way of gift, pawn, pledge, or sale of or from any of the persons in the said act of the first year of her said late Majesty's reign mentioned, any woollen, linnen, fustian, cotton, or iron manufactures, either before or after the same shall be manufactured or converted into merchantable wares, knowing the same to be so purloined or imbezilled, and being thereof lawfully convicted, shall severally suffer the like forfeitures and penalties as are by the said acts respectively inflicted on persons purloining or imbezilling such of the materials or manufactures enumerated in the said acts respectively; all which forfeitures, when recovered, are by the said act of the thirteenth year of his present Majesty's reign directed to be applied in manner following; that is to say, one moiety thereof to the use of the party or*

*parties injured, and the other moiety to the use of the poor of the parish only where the offence shall be committed, with the like liberty and benefit of appealing to all parties, as is given in and by the said act of the first year of her said late Majesty: and it is by the said act of the thirteenth year of his present Majesty's reign also further enacted, That if any person or persons hired or employed in cutting, paring, washing, dressing, sewing, making up, or otherwise manufacturing of gloves, breeches, leather, skins, boots, shoes, slippers, wares, or other goods or merchandizes, to be made use of in any of the trades or employments, or in manner last-mentioned, or in any branch or particular thereof, shall fraudulently purloin, imbezil, secrete, sell, pawn, or exchange all or any part of the gloves, breeches, leather, skins, parings or shreads of gloves or leather, or other materials with which he, she, or they shall be entrusted to work up or manufacture, or shall purloin, imbezil, secrete, sell, pawn, or exchange any gloves, breeches, boots, shoes, slippers, or wares, when made, wrought up, or manufactured, or do or wilfully permit any other act, to lessen the value of such, or any part of such gloves, breeches, leather, skins, parings or shreads of gloves or leather, boots, shoes, slippers, or other wares last particularized, either before or after the same shall be respectively so made into wares, and be thereof lawfully convicted in manner prescribed by the said last-mentioned act, before one or more justice or justices of the peace for the county, riding, division, city, town, or place where such offence shall be committed, or where the party or parties so charged shall reside or inhabit, such justice or justices shall and may award the person or persons so offending, to make a reasonable and suitable recompence and satisfaction for every offence to the parties respectively injured, for the damage by them sustained, so as the same do not exceed double the value of the gloves, breeches, leather, boots, shoes, slippers, wares, goods, or materials, by such offender or offenders so purloined, or imbezilled, secreted, sold, pawned, or exchanged; one half thereof to go to the party or parties grieved, and the other half to the use of the poor of the parish or place where such offence shall be committed; together with the full charges attending such conviction; to be levied by warrant under the hand and seal, or hands and seals of such justice or justices by distress and sale of the offenders goods; but if such offender or offenders shall not have goods sufficient to answer the forfeitures and the expences attending the premisses, and shall also neglect or refuse immediately to pay the same, that then the said offender or offenders, shall, by like warrant of such justice or justices last described, be for every distinct offence committed to the house of correction, or other publick prison of such county, riding, city, town, or place, and there kept to hard labour for the space of fourteen days, and shall be there likewise whipped in such manner, as the said justice or justices shall order and direct; and in case also of a subsequent conviction for a second or any other such like offence, that the person or persons so offending, for every second or other subsequent offence, shall forfeit four times the value of the damages which the owner or owners of such materials, either before or after the same shall be respectively made up into wares, shall sustain thereby, together with such costs or prosecution, as shall be adjudged*

*reasonable*

*reasonable by the justice, before whom such offender or offenders shall be respectively convicted; and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for such justice to commit the offender or offenders last described to the house of correction, or other publick prison, to be there kept to hard labour, for any time not exceeding three months, nor less than one month, as to such justice shall seem reasonable; and also, during the time of such commitment, shall cause the said offender or offenders to be publickly whipped in the market town where such offender or offenders shall be respectively committed, at the market place or cross of such town, once or oftener, as to such justice shall seem reasonable: and it is by the said act of the thirteenth year of his present Majesty's reign also further enacted, That every person and persons who shall knowingly or willingly buy or receive, accept to take, by way of pawn, pledge, sale, or in any other manner, of or from any of the persons offending in either of the particulars last-mentioned, or of or from any other person or persons whatsoever (except of or from the person or persons in whom the property of such gloves, breeches, leather, boots, shoes, slippers, wares, goods, or other materials, shall be at the time of such sale, pawn, or exchange) or offer so to do, such person or persons offending therein respectively, shall, for every offence, being convicted thereof in manner before prescribed by the said last-mentioned act, make such suitable and reasonable recompence and satisfaction, within two days next after the matter of fact shall be determined by any one or more justice or justices as aforesaid, upon hearing the same, or else be subject to such distress; and for want of sufficient distress, to be liable to the like punishment as is by the said act directed to be inflicted on such person or persons as shall purloin, imbezil, secrete, sell, pawn, or exchange any gloves, breeches, leather, boots, shoes, slippers, wares, goods, or other materials or effects of that sort as aforesaid, and so in like manner for any second and every other subsequent offence: and whereas the penalties and forfeitures to which offenders against the said acts are subjected, have not been sufficient to deter persons from committing the offences thereby intended to be prevented: and whereas many persons employed in the making of felts or hats, and in preparing or working up the manufactures of furr, hemp, flax, mohair, and silk, and also the manufactures made of wooll, furr, hemp, flax, mohair, cotton, or silk, or some of them mixed one with another, have of late been guilty of divers frauds and abuses, by purloining, imbezilling, secreting, selling, pawning, exchanging, or otherwise unlawfully disposing of the materials with which they have been entrusted; and it is therefore become necessary to make provision for preventing such offences for the future:* therefore for amending and rendering more effectual the said act made in the thirteenth year of his present Majesty's reign, and for extending the provisions and regulations therein and herein made, to the several manufactures herein before mentioned, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or

Persons employed in the manufactures described, being convicted of imbezilling, &c. any of the materials,

persons whatsoever, who shall be hired or employed to make any felt or hat, or to prepare or work up any woollen, linen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, or silk manufactures, or any manufactures made up of wool, furr, hemp, flax, cotton, mohair, or silk, or of any of the said materials mixed one with another, shall, from and after the twenty fourth day of *June*, one thousand seven hundred and forty nine, purloin, imbezil, secrete, sell, pawn, exchange, or otherwise unlawfully dispose of any of the materials, with which he, she, or they shall be respectively entrusted, whether the same, or any part thereof, be or be not first wrought, made up, manufactured, or converted into merchantable wares, or shall reel false or short yarn, and shall be thereof lawfully convicted, by the oath or (if the owner thereof be of the people called *Quakers*) solemn affirmation of the owner of such goods or materials, or by the oath or affirmation of any other credible witness or witnesses, or by the confession of the person or persons charged with such offence, before any one or more justice or justices of the peace of the county, riding, division, city, liberty, town, or place, where such offence shall be commited, or where the person or persons so charged shall reside or inhabit (which oath or affirmation the said justice or justices is and are hereby impowered and required to administer) it shall and may be lawful to and for the said justice or justices, by warrant under his or their hand and seal, or hands and seals, to commit the person or persons so convicted to the house of correction, or other publick prison of such county, riding, division, city, liberty, town, or place, there to be kept to hard labour for the space of fourteen days, and also to order the person or persons so convicted, to be once publickly whipped at the market place, or some other publick place of the city, town, or place, where such offender or offenders shall be respectively committed; and in case of a further conviction, in manner before prescribed by this act, for or upon a second or other subsequent offence of the same kind, it shall and may be lawful to and for the justice or justices, before whom such conviction shall be had, to commit the person or persons so again offending, to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months, nor less than one month, and also to order the person or persons so again offending, to be publickly whipped at the market place, or some other publick place of the city, town, or place where such offender or offenders shall be respectively committed, twice or oftner, as to such justice or justices shall appear reasonable; any thing in the said act of the first year of her said late Majesty's reign, or in the said in part recited act of the thirteenth year of his present Majesty's reign, to the contrary in any wise notwithstanding.

or of reeling false or short yarn,

to be committed,

and publickly whipped.

Penalty of a subsequent offence.

Persons convicted of buying or receiving materials from workmen,

II. And be it further enacted by the authority aforesaid, That if any person or persons shall buy, receive, accept, or take, by way of gift, pawn, pledge, sale, or exchange, or in any other manner whatsoever, of or from any person or persons, hired or employed

ployed to make any felt or hat, or to prepare or work up the woollen, linnen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, or silk manufactures, or any manufactures made up of wooll, furr, hemp, flax, cotton, mohair, or silk, or of any of the said materials mixed one with another, any thrums or ends of yarn, or any other materials of wooll, furr, hemp, flax, cotton, or iron, or any leather, mohair, or silk, whether the same, or any part thereof, be or be not first wrought, made up, or manufactured, knowing the person or persons of whom he, she, or they, so buy, receive, accept, or take the said materials, to be so hired or employed as aforesaid, and not having first obtained the consent of the person or persons so hiring or employing him, her, or them, who shall offer to sell, pawn, pledge, exchange, or otherwise dispose of the said materials, or shall buy, receive, accept, or take, in any manner whatsoever, of or from any other person or persons whomsoever any of the said materials, whether the same be or be not first wrought, made up, or manufactured, knowing the same to be so purloined or imbezilled, then, and in every such case, the person or persons so buying, receiving, accepting, or taking any such materials, being thereof lawfully convicted, in manner before prescribed by this act, for the conviction of persons purloining or imbezilling the said materials, shall, for the first offence, forfeit the sum of twenty pounds; and in case the said forfeiture shall not be immediately paid, the justice or justices before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour, for the space of fourteen days, unless the said forfeiture shall be sooner paid; and if within two days before the expiration of the said fourteen days, the said forfeiture shall not be paid, the said justice or justices is and are hereby impowered and required, to order the person or persons so convicted, to be publickly whipped at the market place, or some other publick place of the city, town, or place where such offender or offenders shall be respectively committed, once or oftener, as to such justice or justices shall appear reasonable; and in case of a further conviction, for or upon a second or any other subsequent offence of the same kind, the person or persons so again offending, being thereof convicted in manner before prescribed by this act, shall, for every second or other subsequent offence, forfeit the sum of forty pounds; and in case the said forfeiture shall not be immediately paid, the justice or justices, before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months, nor less than one month, unless the said forfeiture shall be sooner paid; and if within seven days before the expiration of the time for which such offender or offenders shall be so committed, the said forfeiture shall not be paid, the said justice or justices is and are hereby impowered and required to order such offender or offen-

to forfeit for the first offence 20l. and on nonpayment to be committed,

and whipped;

and in case of subsequent offence,

to forfeit 40l. &c.

ders to be publickly whipped at the market place, or some other publick place of the city, town, or place, where he, she, or they shall be respectively committed, twice or oftener, as to such justice or justices shall appear reasonable; and the said respective forfeitures of twenty pounds and forty pounds, when recovered, after satisfaction shall have been made thereout to the party or parties injured, together with such costs of prosecution as shall be judged reasonable by the justice or justices before whom such conviction shall have been had, shall be equally distributed amongst the poor of the parish or place where the person or persons so convicted shall reside or inhabit; any thing in the said two first-mentioned acts, or either of them, to the contrary in any wise notwithstanding.

Appeal given to persons convicted of buying materials.

III. Provided always, and it is hereby enacted, That if any person convicted as aforesaid, of buying, receiving, or taking to pawn, any of the materials herein before-mentioned, shall think himself or herself aggrieved by the judgement of the justice or justices, before whom he, she, or they shall have been convicted, such person shall have liberty to appeal to the justices, at the next general or quarter sessions of the peace, which shall be held for the county, riding, division, city, liberty, town, or place where such judgement shall have been given; and that the execution of the said judgement shall in such case be suspended, the person so convicted entering into a recognizance at the time of such conviction, with two sufficient sureties, in double the sum which such person shall have been adjudged to forfeit, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgement and determination of the justices in the said general or quarter sessions; which recognizance the said justice or justices, before whom such conviction shall be had, is and are hereby impowered and required to take; and the justices, in the said general or quarter sessions, are hereby authorized and required to hear and finally determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; and if upon the hearing of the said appeal, the judgement of the justice or justices, before whom the appellant shall have been convicted, shall be affirmed, such appellant shall immediately pay the sum which he or she shall have been adjudged to forfeit, together with such costs as the justices, in the said general or quarter sessions shall award, to be paid by him or them for defraying the expences sustained by the defendant or defendants in such appeal; or in default of making such payments, shall suffer the respective pains and penalties by this act inflicted upon persons who shall neglect to pay, or shall not pay the respective forfeitures by this act imposed upon such as shall be convicted of buying, receiving, or taking to pawn any of the materials herein before-mentioned, which shall have been purloined or imbezilled.

The appellant giving security, &c.

Justices impowered to

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall be charged with, and afterwards convicted

convicted of purloining or imbezilling any of the aforesaid materials, or of buying or receiving the same in manner before described, it shall and may be lawful to and for the justice or justices of the peace, before whom such conviction shall be had, to issue a warrant under his or their hand and seal, or hands and seals, directed to any person or persons, impowering him or them, in the presence of a constable or headborough, and in the day time, to enter into and search the houses, out-houses, shops, cellars, vaults, and other places belonging to the person or persons so convicted as aforesaid; and if upon any such search or searches, there shall be found any thrums or ends of yarn, or any other materials of wooll, furr, hemp, flax, cotton, iron, leather, mohair, or silk, it shall and may be lawful to and for the person or persons impowered to make such search or searches as aforesaid, to bring such materials before the said justice or justices, to be by him or them detained and kept in safe custody; and if within the space of twenty four days next after such thrums, or ends of yarn, or other materials shall be so taken and detained, it shall be made appear to the satisfaction of the said justice or justices, that the person or persons from whose houses, out-houses, shops, cellars, vaults, or other places as aforesaid, the said materials shall be so taken and detained, is or are the lawful owner or owners thereof, and came to the possession of the same in an honest and lawful manner, then all such thrums or ends of yarn, or other materials, so taken and kept as aforesaid, shall be restored to the person or persons out of whose custody or possession the same shall have been so taken; but in case it shall not be made appear within the time before limited, to the satisfaction of the said justice or justices, that the person or persons convicted as aforesaid, is or are the lawful owner or owners of the said materials so taken and detained as aforesaid, then, and in every such case, the said materials shall be deemed and adjudged to be purloined and imbezilled; and it shall and may be lawful to and for the said justice or justices to direct all such thrums or ends of yarn, or other materials, to be publickly sold, and the money arising by such sale (the charges of such sale being first deducted) to be equally distributed amongst the poor of the parish or place where the person or persons so convicted shall reside or inhabit.

grant a warrant to search the houses, &c. of persons convicted of purloining, &c.

V. Provided always, and it is hereby enacted, That the said justice or justices shall, within three days after such materials shall be brought to him or them as aforesaid, give notice thereof in writing under his or their hand and seal, or hands and seals, to the person or persons convicted as aforesaid, appointing in such notice a time and place for his, her, or their attending, in order to make out and prove his, her, or their property in such materials so taken and detained as aforesaid; which time so to be appointed, shall be within twenty one days, and not less than eighteen days after such notice given; and if the person or persons so convicted, shall be detained in any house of correction, or other prison as aforesaid, the said justice or justices

Justice to give notice to the convict, of the materials brought to him, in order to prove his property, &c.

stices shall also cause a copy of the said notice, attested under his or their hand and seal, or hands and seals, to be delivered to the master or keeper of such house of correction, or other prison; which master or keeper is hereby required to bring, or cause to be brought, before such justice or justices, the person or persons named in such notice, at the time and place therein specified, if the person or persons named in such notice be then in the custody of such master or keeper; and if any such master or keeper shall neglect or refuse so to do, such master or keeper shall, for every such neglect or refusal, forfeit to the person or persons respectively named in such notice, the full value of the materials so taken, detained, and sold; to be recovered by distress and sale of the goods and chattels of such master or keeper, by warrant under the hand and seal, or hands and seals of the justice or justices signing such notice, in case the said forfeiture shall not be immediately paid.

Persons aggrieved may appeal.

VI. Provided also, and it is hereby further enacted, That if any person shall think himself or herself aggrieved by the judgment or order of the said justice or justices, relating to the sale or disposal of the said materials so found and detained as aforesaid, such person shall have liberty to appeal against the judgment or order of the said justice or justices, to the justices of the peace in the general or quarter session of the peace which shall be held for the same county, riding, division, city, liberty, or town corporate, next after such judgment or order shall be given or made; and that in the mean time the sale and disposal of such materials shall be postponed; notice in writing under the hand of the person intending to appeal, signifying such his or her intention, being given to the justice or justices by whom such order shall have been made, before the time appointed for the sale and disposal of such materials; and the justices of the peace in the said general or quarter sessions of the peace, are hereby authorized and impowered to summon and examine witnesses upon oath (or being of the people called *Quakers*, upon their solemn affirmation) and to hear and finally determine the matter of the said appeal; and in case the said appellant shall not prosecute such his or her appeal, or for any other cause the judgment of the said justice or justices by whom such order shall have been made shall be affirmed, it shall and may be lawful to and for the justices in the said general or quarter sessions of the peace, to award such costs as they, in their discretion, shall think reasonable to be paid by the appellant for defraying the expences sustained by the defendant or defendants in such appeal.

Notice of appeal to be given.

Penalty on workmen not returning the remains of the materials, within 21 days.

VII. And be it further enacted by the authority aforesaid, That if any person or persons entrusted with any of the materials herein-before mentioned, in order to prepare, work up, or manufacture the same, shall not use all such materials in the preparing, working up, or manufacturing of the same, and shall neglect or delay, for the space of twenty one days after such

such materials shall be prepared, worked up, or manufactured, to return (if required by the owner or owners of such materials so to do) so much of the said materials as shall not be used as aforesaid, to the person or persons entrusting him, her, or them therewith, such neglect or delay shall be deemed and adjudged to be an imbezilling or purloining of such materials; and the person or persons so neglecting or delaying, being thereof convicted, in manner before prescribed for the conviction of offenders against this act, shall suffer the like punishment, as persons convicted of imbezilling or purloining any of the materials herein before-mentioned, are by this act rendered subject and liable to.

Justice to issue his warrant upon complaint of any offence against this act.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one justice of the peace of any county, riding, division, city, liberty, town, or place, and he is hereby required, upon complaint to him made upon oath, or (if the person complaining be of the people called *Quakers*) solemn affirmation of any offence committed against this act within the same county, riding, division, city, liberty, town, or place, to issue his warrant for apprehending and bringing before him, or before any other justice or justices of the peace of the same county, riding, division, city, liberty, town, or place, the person or persons charged with such offence; and the justice or justices, before whom such person or persons shall be brought, is and are hereby authorized and required to hear and determine the matter of every such complaint, and to proceed to conviction and judgement thereupon.

Journeymen not completing their work, &c.

IX. And, for the better regulating of the journeymen, and other persons employed as manufacturers or workers in the manufacture of felts or hats, and in the woollen, linnen, fustian, cotton, iron, mohair, furr, hemp, flax, or silk manufactures, or any manufactures made up of wooll, furr, hemp, flax, linnen, cotton, mohair, or silk, or any of the said materials mixed one with another, be it further enacted by the authority aforesaid, That if any person who, at any time after the said twenty fourth day of *June*, one thousand seven hundred and forty nine, shall be hired, retained, or employed to prepare or work up any of the manufactures herein before-mentioned for any one master, shall neglect or refuse the performance thereof, by procuring or permitting himself or herself to be subsequently retained or employed by any other master or person whatsoever, before he or she shall have completed the work which he or she was first and originally so hired, retained, or employed to perform, and which was first delivered to him or her, then, and in every such case, the person so offending, being thereof lawfully convicted by the oath, or (being of the people called *Quakers*) affirmation of one or more credible witness or witnesses, before one or more justice or justices of the peace of the county, riding, division, city, liberty, town or place, where the offence or offences shall be committed, shall be sent to the house of correction, there to be kept to hard labour for any time not exceeding one month.

to be committed.

X. Pro-

Limitation of the powers of this act.

X. Provided always, and it is hereby enacted and declared, That this act, or any thing therein contained, shall not extend, or be construed to extend to repeal any of the provisions mentioned and contained in an act made in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for regulating the trade of silk-throwing*; or in an act made in the twentieth year of the reign of King *Charles* the Second, intituled, *An act to regulate the trade of silk-throwing*; or in an act made in the eighth and ninth years of the reign of King *William* the Third, intituled, *An act for the further encouragement of the manufacture of lustrings and alamodes within this realm, and for the better preventing the importation of the same; for the punishment of silk winders, doublers, and other persons, convicted of purloining, imbezzilling, pawning, selling, or detaining, any silk delivered them to wind, double, or work up, or after the same is wrought up, and of the buyers, receivers, or persons taking to pawn any silk so imbezilled or purloined*, but that the said provisions shall remain in full force, and the penalties and forfeitures to which offenders against the said acts are thereby respectively subjected, may be levied, recovered, and inflicted in the same manner as such penalties and forfeitures might have been levied, recovered, and inflicted before the making of this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

13 & 14 Car. 2. c. 15.

20 Car. 2. c. 6.

8 & 9 W. 3. c. 36.

None to be punished; twice for the same offence.

XI. Provided nevertheless, and it is hereby further enacted and declared, That no person shall, by virtue of the said acts herein before last-mentioned, or of this act, suffer or be liable to suffer the punishments thereby inflicted, twice for one and the same fact or offence.

12 Geo. 1. c. 34.

XII. *And whereas by an act made in the twelfth year of the reign of his late majesty King* George *the First, intituled*, An act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages, *all contracts, covenants, or agreements, and all by-laws, ordinances, rules, or orders made or entered into, or hereafter to be made or entered into, by or between any persons brought up in, or professing, using, or exercising the art and mystery of a wooll comber, or weaver, or journeyman wooll comber, or journeyman weaver, in any parish or place within this kingdom, for regulating the said trade or mystery, or for regulating or settling the prices of goods, or for advancing their wages, or for lessening their usual hours of work, are declared to be illegal, null, and void to all intents and purposes: and it is, by the said last-mentioned act (amongst other things) enacted, That if any wool comber, or weaver, or journeyman wool comber, or journeyman weaver, or other person concerned in any of the woollen manufactures of this kingdom, shall at any time keep up, continue, act in, make, enter into, sign, seal, or be knowingly concerned in any contract, covenant or agreement, by-law, ordinance, rule, or order of any club, society, or combination, by the said act declared to be illegal, or shall presume or attempt to put any such illegal agreement, by law, ordinance, rule, or order in execution, every person so offending being thereof lawfully convicted in manner prescribed by the said act, shall at the discretion of the justices of the peace, before whom such con-*

*viction*

*viction shall be had, be committed either to the house of correction, there to be kept to hard labour for any time not exceeding three months, or to the common gaol of the county, city, town, or place where such offence shall be committed, there to remain without bail or mainprize for any time not exceeding three months: and it is, by the said last-mentioned act, also further enacted, That if any person retained or employed as a wool comber or weaver, or servant in the art or mystery of a wool comber or weaver, shall depart from his service before the end of the time for which he is hired or retained, or shall quit or return his work before the same shall be finished according to agreement, unless it be for some reasonable cause to be allowed by two or more justices of the peace within their respective jurisdictions, every person so offending, being thereof convicted in manner prescribed by the said act, shall be committed to the house of correction, there to be kept to hard labour for any time not exceeding three months; and if any wool comber, weaver, servant, or person hired, retained, or employed in the said art or mystery, shall wilfully damnify, spoil, or destroy (without the consent of the owner) any of the goods, wares, or work committed to his care or charge, or wherewith he shall be entrusted, such offender being thereof convicted, shall forfeit and pay to the owner or owners of such goods or wares so damnified, spoiled, or destroyed, double the value thereof; to be levied by distress and sale of the offender's goods and chattels, by warrant or warrants under the hands and seals of any two or more justices of the peace, within their respective jurisdictions; and, for want of sufficient distress, such justices shall commit the party or parties offending to the house of correction, there to be kept to hard labour, for any time not exceeding three months, or until satisfaction be made to the party or parties aggrieved for the same: and it is, by the said last-mentioned act, also further enacted, That every clothier, serge maker, or woollen or worsted stuff maker, or person concerned in making any woollen cloths, serges, or stuffs, or concerned in employing wool combers, weavers, or other labourers in the woollen manufactory, shall pay to all persons by them employed in the woollen manufacture, the full wages, or other price agreed on, in good and lawful money of this kingdom, and shall not pay the said wages, or other price agreed on, or any part thereof, in goods, or by way of truck, or in any other manner than in money, or make any deduction from such wages or price, for or on account of any goods sold or delivered, previous to such agreement, by any person or persons whatsoever: and for the more easy recovery of the said wages, or price agreed on, any two or more justices of the peace, within their respective jurisdictions, are authorized and required, upon complaint made for that purpose, to summon before them the party or parties offending, and for nonpayment of such wages, or price agreed on, in money as aforesaid, or sufficient satisfaction given for the same, to the good liking of the party or parties aggrieved, to issue their warrant or warrants, under their hands and seals, for levying such wages or price, due as aforesaid, by distress and sale of the offender's goods and chattels, rendering the overplus to the owner; and for want of sufficient distress, to commit the party or parties offending to the common gaol of the county, city, town, or place, where such offence shall be committed,*

*committed, there to remain without bail or mainprize for the space of six months, or until he, she, or they shall pay such wages, or price agreed on, in money as aforesaid, or give full satisfaction for the payment of the same, to the good liking of the party grieved: and it is, by the said last-mentioned act, also further enacted, That if any clothier, serge maker, woollen or worsted stuff maker, or person concerned in making any woollen cloths, serges, or stuffs, or any way concerned in employing wool combers, weavers, or other labourers in the woollen manufactory, shall pay any person or persons employed by them, their wages, or other price agreed on, or any part thereof, either in goods, or by way of truck, or in any other manner than in money, every person so offending, shall also forfeit and pay the sum of ten pounds, one moiety thereof to the informer, and the other moiety to the party or parties aggrieved, to be levied by distress and sale of the offender's goods as aforesaid, rendering the overplus (if any be) to the owner: and it is, by the said last-mentioned act, also provided, That it shall be lawful for any person aggrieved, by any order or orders to be made by any two or more justices of the peace as aforesaid, to appeal to the justices of the peace at the next general quarter sessions to be holden for the county, city, division, parish, or place, where such order shall be made, giving reasonable notice of such appeal, the reasonableness of which notice shall be determined by the justices at the quarter sessions to which such appeal is made; and if it shall appear to them, that reasonable time of notice was not given, then they shall adjourn the said appeal to the next quarter sessions, and then and there finally hear and determine the same; and the justices, who in the general quarter sessions shall hear the matter, shall have power to award reasonable costs to either party, as to them shall seem just: and it is, by the said last-mentioned act, also further enacted, That if any person or persons shall assault or abuse any master wool comber, master weaver, or other person concerned in any of the woollen manufactures, whereby any such master or other person shall receive any bodily hurt, for not complying with, or not conforming, or not submitting to any such illegal by-laws, ordinances, rules, or orders aforesaid; or if any person or persons shall write, or cause to be written, or knowingly send, or cause to be sent, any letter, or other writing or message, threatening any hurt or harm to any such master wool comber, or master weaver, or other person concerned in the woollen manufacture, or threatening to burn, pull down, or destroy any of their houses or out-houses, or to cut down or destroy any of their trees, or to maim or kill any of their cattle, for not complying with any demands, claims, or pretences of any of his or their workmen, or others employed by them in the said manufacture, or for not conforming, or not submitting to any such illegal by-laws, ordinances, rules, or orders as aforesaid, every person so knowingly and willingly offending in the premisses, being thereof lawfully convicted, upon any indictment to be found within twelve calendar months next after any such offence committed, shall be adjudged guilty of felony, and shall be transported for seven years to some or one of his Majesty's colonies or plantations in* America, *by such ways and means, and in such manner, and under such pains and penalties, as felons in other cases are by law to be transported: and*

*whereas*

*whereas it is necessary that the said several provisions and regulations in the said last in part recited act, should be extended to journeymen dyers, journeymen hot pressers, and all other persons employed in the woollen manufactures of this kingdom, and also to journeymen, servants, workmen, and labourers, employed in the making of felts or hats, and in the manufactures of silk, mohair, furr, hemp, flax, linen, cotton, fustian, iron, and leather, or any manufactures made up of wool, furr, hemp, flax, cotton, mohair, or silk, or of any of the said materials mixed one with another*; be it therefore enacted by the authority aforesaid, That the said several before recited clauses in the said act, made in the twelfth year of his said late Majesty's reign, and all the provisions, regulations, pains, penalties, and forfeitures, therein contained, shall, from and after the said twenty fourth day of *June*, one thousand seven hundred and forty nine, extend, and be construed, deemed, and adjudged to extend to journeymen dyers, journeymen hot pressers, and all other persons whatsoever, employed in or about any of the woollen manufactures of this kingdom, and also to journeymen servants, workmen, and labourers, and all other persons whatsoever employed in the making of felts or hats, or in or about any of the manufactures of silk, mohair, furr, hemp, flax, linen, cotton, fustian, iron, or leather, or in or about any manufactures made up of wool, furr, hemp, flax, cotton, mohair, or silk, or of any of the said materials mixed one with another, in as full and ample manner as the said provisions, regulations, pains, penalties, and forfeitures, are by the said last-mentioned act declared to extend to the several and respective persons therein named; and the pains, penalties, and forfeitures, which shall be incurred by reason of any offence committed against the said last-mentioned act, by any person or persons employed or concerned in or about any of the said manufactures, herein before enumerated, shall be inflicted, levied, and recovered, in the same manner as the pains, penalties, and forfeitures, contained in the said last in part recited act, are directed to be inflicted, levied, and recovered, upon and against the several and respective persons therein mentioned.

The provisions in the recited act, to extend to persons employed in the manufactures enumerated.

Forfeitures to be inflicted as in the said act.

## CAP. XXVIII.

An act for continuing two acts of parliament, the one passed in the thirteenth year of the reign of his late majesty King George the First, for amending the several roads leading from the city of Bristol; and the other passed in the fourth year of the reign of his present Majesty, to explain and amend the same act; and for making the said acts more effectual; and also for repairing other roads therein mentioned.

*The former acts* 13 *Geo.* 1. *c.* 12. *and* 4 *Geo.* 2. *c.* 22. *continued for* 21 *years.*

## CAP. XXIX.

*An act for making an authentick roll of valuation for the shire of* Argyll.

WHEREAS *there has not been any authentick or authorized valuation of the shire of* Argyll *extant at any time since the late happy revolution, in the year of our Lord one thousand six hundred eighty*

*eighty eight, and for want thereof it was provided by the sixth act of the parliament of* Scotland, *holden in the year one thousand six hundred and ninety, intituled,* Act for raising a supply offered to their Majesties; *That the shire of* Argyll *should pay their proportion of that supply, and in time coming, according as the said shire did pay before the year one thousand six hundred and eighty four, until there be a new valuation: and whereas such new valuation hos never hitherto been made or authorized:* now for remedying the inconveniencies arising from the want of an authentick roll of valuation for the shire of *Argyll*, according to which the established proportion of cess, payable by the said shire, may be levied and collected from the several heretors, proprietors, and occupiers of lands, lying within the same, in the same manner, and with the like ease, certainty and regularity, as is practised in other shires, within that part of *Great Britain* called *Scotland*; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That Sir *Duncan Campbell* of *Lochnell*, *Duncan Campbell* of *Inveraw*, *Archibald Lamont* of *Lamont*, *John Campbell* of *Barcalden*, *Donald Campbell* of *Airds*, *Neil Macneil* of *Ugadill*, *Archibald Campbell* of *Knockbuy*, *Alexander Macmillan* of *Dunmore*, *Archibald Campbell* of *Danna*, *Archibald Campbell* of *Melford*, *Archibald Campbell* of *Inverliver*, *Hector Maclean* of *Torloisk*, *Neil Campbell* of *Duntroon*, master *John Campbell* of *Ottir*, captain *James Campbell* the younger of *Ardkinglass*, *John Mackinnon* of *Mackinnon*, *Archibald Campbell* of *Dunnoon*, *Colin Campbell* of *Skipness*, *Hector Maclean* of *Coll*, *Archibald Campbell* of *Stonefield*, *Daniel Campbell* of *Shawfield*, *Duncan Campbell* of *Shunderland*, *John Macdonald* of *Lergy*, and *Archibald Campbell* of *Jura*, of whom nine are hereby declared to be a *Quorum*, shall be, and they are hereby constituted and appointed commissioners for making an authentick roll of valuation for the said shire of *Argyll*, which they are hereby authorized, impowered, and required to do.

Commissioners names.

Nine commissioners to be a Quorum.

II. And be it enacted by the authority aforesaid, That the commissioners aforesaid, or any nine or more of them, shall meet together at *Inverary* on the twenty first day of *June* next, and shall then adjourn themselves, and afterwards meet there, or at any other place, as the said commissioners, or any nine or more of them, shall think proper or convenient, as often as it shall be necessary for putting this act, or any of the powers therein contained in execution.

Time and place of meeting.

III. And be it likewise enacted by the authority aforesaid, That the commissioners aforesaid, or any nine or more of them, shall have power to summon the heretors, and other persons having interest in the said shire, to appear before them, and to take all manner of probation as they shall see cause, and to do all other acts necessary for carrying this act into execution.

Commissioners may summon heretors, &c.

IV. Provided always, and it is hereby further enacted, That none of the commissioners aforesaid, shall act as such, until they shall

Commissioners not to act

shall have qualified themselves, by taking the oaths appointed by law to be taken by persons in offices of publick trust in *Scotland*, either in the sheriff's court held for the said shire, or any other court of law appointed for that purpose.

till they have qualified.

V. And it is hereby further enacted by the authority aforesaid, That as soon as the said commissioners shall have finished and completed the said roll of valuation, three copies thereof shall be signed by nine or more of the said commissioners, one whereof shall be transmitted to the treasurer's remembrancer in his Majesty's court of *Exchequer* in that part of *Great Britain* called *Scotland*, to be kept amongst the records of the said court, and another of the said copies shall be delivered to the sheriff, or sheriff depute of the said shire, to be recorded in the sheriff's books for the said shire, and to be patent in all time coming to all persons having occasion to inspect the same, and another copy of the said roll, so signed as aforesaid, shall be delivered to the clerk of the commissioners of supply for the said shire, for the use of the said commissioners in all time coming.

Three copies of the roll to be transmitted to the offices herein mentioned.

VI. And it is hereby enacted by the authority aforesaid, That the said roll, when so signed and delivered as aforesaid, shall be of the same force, efficacy, and validity, to all intents and purposes, for and in respect to the said shire of *Argyll*, and lands and hereditaments lying within the same, as any other authentick roll of valuation is by law for any other shire in that part of *Great Britain* called *Scotland*, and the lands lying within the same.

The validity of the roll declared.

VII. Provided alwise, and it is hereby enacted by the authority aforesaid, That the *Quota* or proportion of cess charged upon the said shire, shall continue the same as it has been heretofore before the passing of this act.

The quota of the cess to be the same.

VIII. And provided likewise, and it is hereby further enacted, That until the first day of *June*, which shall be in the year of our Lord one thousand seven hundred and fifty, and likewise from and after the said first day of *June*, one thousand seven hundred and fifty, until the said roll shall be completed, signed, and delivered in manner above-mentioned, the publick supplies shall be levied and collected within the said shire, in the manner that has been heretofore practised within the same before the passing of this act.

The supplies to be raised as heretofore, till the roll be completed.

IX. And be it likewise further enacted, That all arrears of the publick supplies or cess grown due, or hereafter to grow due on or before the said first day of *June*, one thousand seven hundred and fifty, shall be levied and collected within the said shire, in the manner that has been heretofore practised within the same; any thing in this act to the contrary notwithstanding.

Arrears to be levied as formerly.

X. And it is hereby further enacted, That it shall and may be lawful for any person or persons, heretors or life-renters, within the said shire, who shall apprehend him, her, or themselves to be aggrieved by the valuation that shall be made by the said commissioners, of any lands, or heretages within the said shire, as being too high or too low, or otherwise unequal, to

Persons aggrieved may appeal.

apply for redress of such grievance or unequality, by summary petition or complaint to the barons of the court of *Exchequer* in *Scotland*, at any time within twelve months after a copy of the said valuation, as settled by the commissioners, shall be recorded in the sheriff's books for the said shire, to be patent to all persons having interest; and upon such complaint exhibited to the said barons, they are hereby authorized and required to grant warrant for serving the same upon any nine or more of the said commissioners, to answer upon fifteen days after such service; and and then upon hearing the said complaint in a summary manner, with the answers, if any be made by the said commissioners, or other parties having interest, the said barons, or any three of them, are hereby authorized and required to make such order, touching the matter of said complaint, as to them shall appear just, which order shall be final; and in case it shall import any variation of the roll of valuation made by the commissioners, that roll or valuation shall be altered accordingly.

## CAP. XXX.

*An act for encouraging the people known by the name of* Unitas Fratrum *or* United Brethren, *to settle in his Majesty's colonies in* America.

WHEREAS *many of the people of the church or congregations called the* Unitas Fratrum *or* United Brethren, *are settled in his Majesty's colonies in* America, *and demean themselves there as a sober, quiet, and industrious people; and many others of the same persuasion are desirous to transport themselves to, and make larger settlements in, the said colonies at their own expence, provided they may be indulged with a full liberty of conscience, and in the exercise of the religion they profess; and several of the said brethren do conscientiously scruple the taking of an oath, and likewise do conscientiously scruple bearing arms, or personally serving in any military capacity, although they are willing and ready to contribute whatever sums of money shall be thought a reasonable compensation for such service, and which shall be necessary for the defence and support of his Majesty's person and government: and whereas the said congregations are an ancient protestant episcopal church, which has been countenanced and relieved by the Kings of* England, *your Majesty's predecessors: and whereas the encouraging the said people to settle in* America, *will be beneficial to the said colonies*; therefore may it please your Majesty, at the humble petition of *Abraham* baron of *Gersdorff*, *Lewis* baron *Schrautenbach* free lord of *Lindheim*, *David Nitschmann* syndic, *Charles Sebachmann* baron of *Hermsdorff*, and *Henry Cossart* agent, deputies from the said *Moravian* churches, in behalf of themselves and their *United Brethren*, that it may be enacted; and be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty nine, every

Members of *Unitas Fratrum* allowed to make a solemn affirmation in lieu of an oath.

every person being a member of the said protestant episcopal church, known by the name of *Unitas Fratrum*, or the *United Brethren*, and which church was formerly settled in *Moravia* and *Bohemia*, and are now in *Prussia*, *Poland*, *Silesia*, *Lusatia*, *Germany*, the *United Provinces*, and also in his Majesty's dominions, who shall be required upon any lawful occasion to take an oath in any case where by law an oath is or shall be required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following:

Form of affirmation.

I A. B. *do declare in the presence of Almighty God, the witness of the truth of what I say.*

Which said solemn affirmation or declaration shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice, and other places where by law an oath is or shall be required within the kingdoms of *Great Britain* and *Ireland*, and also in all and every of his Majesty's colonies and dominions in *America*, as if such person had taken an oath in the usual form.

Penalty of false affirming.

II. And be it further enacted by the authority aforesaid, That any person making such solemn affirmation or declaration, who shall be lawfully convicted, wilfully, falsly, and corruptly to have affirmed or declared any matter or thing, which, if the same had been deposed on oath in the usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same pains and penalties, as by the law and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

Not to extend to criminal cases, &c.

III. Provided, and be it enacted, That no person being of the said church or congregation called the *Moravian* or *United Brethren*, shall by virtue of this act be qualified to give evidence in any criminal causes, or to serve on juries; any thing contained in this act to the contrary notwithstanding.

Moravians summoned to do any military service to be discharged,

IV. And be it further enacted, That every person who is a member of the said church or congregation, who shall reside in any of his Majesty's colonies in *America*, who shall at any time after the said twenty fourth day of *June*, one thousand seven hundred and forty nine, be summoned to bear arms, or do military service, in any of his Majesty's said colonies or provinces of *America*, shall, on his application to the governor or commander in chief of the said colony or province, or to such officer or person, by whom such person shall have been summoned or required to serve, or be mustered, be discharged from such personal service; provided that such person, so desiring to be discharged from such personal service, contribute and pay such sum of money as shall be rated and assessed on him in lieu of such personal service, so as such sum shall be rated, assessed, and levied, and be in such proportion, as is usually rated, assessed, levied, and paid, by other persons residing in the same colony or province, who are by reason of age, sex, or other infirmity un-

upon payment of the rate assessed;

able to do personal service, and who are possessed of estates of the same nature as the persons desiring such discharge.

and producing a certificate from some bishop of the said church, &c.

V. And to prevent any doubt which may arise, whether any person, pretending or claiming to be a member of such church or congregation, is actually a member thereof, be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, who shall, as a member or members of such church or congregation, claim the benefit of this act, or of any matter or thing herein contained, shall, at the time when he or they make such claim, produce a certificate signed by some bishop of the said church, or by the pastor of such church or congregation who shall be nearest to the place where such claim is made; and shall be examined concerning the matters contained in the said certificate, and the due execution thereof; and such person so affirming to the best of his knowledge and belief in manner herein before mentioned, or proving by the testimony of other legal witness, that the said certificate was duly executed by such bishop or pastor, and also affirming, that he is actually a member of the said church, known by the name of *Unitas Fratrum*, or *United Brethren*, shall be adjudged, deemed, and taken to be actually a member of the said church or congregation, and as such shall be intitled to the benefit of this act.

Penalty of false affirming.

VI. And be it further enacted, That any person who shall be lawfully convicted of having wilfully, falsly, and corruptly affirmed or declared in manner aforesaid, That such certificate was duly executed, or that he is a member of such church, when in fact such affirmation is untrue, such person so falsly affirming, and being duly convicted thereof, shall incur the same pains and penalties, as by the law and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

The advocate to lay before the commissioners for trade lists of the bishops appointed to grant certificates, &c.

VII. And that it may be known whether such bishops and pastors, so signing such certificates be of the church known by the name of *Unitas Fratrum*, or *United Brethren*, within the meaning of this act, be it further enacted, That the advocate of the said church or congregation of the *United Brethren* for the time being, shall lay, or cause to be laid before *The commissioners for trade and plantations*, in order that the same may remain in their office, a list or lists of all the bishops of the said church of the *United Brethren*, who are appointed by them to grant certificates as aforesaid, together with their hand-writing, and usual seal; and that, from time to time, the said advocate shall send to the said commissioners for trade and plantations, the names, hand-writing, and seals of any bishops, that shall be hereafter consecrated and appointed by them as aforesaid, and the names of such pastors as shall be authorized by the said advocate or bishops to give certificates in any of his Majesty's colonies in *America*.

Publick act.

VIII. And be it enacted and declared by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act; and shall be judicially taken notice of as such by all

all judges, justices, and other persons whatsoever, without specially pleading the same.

## CAP. XXXI.

An act for opening and making a new road from the east end of New Street in the parish of Saint John Southwark, to and through the several places therein mentioned; and for keeping the said road in repair for the future.

*Certain tolls granted for 21 years.*

## CAP. XXXII.

An act for enlarging the term and powers granted by an act passed in the eighteenth year of the reign of his present Majesty, for repairing the high road leading from Borough Bridge in the county of York, through Northallerton in the same county, to Croft Bridge on the river Tees; and from thence through Darlington in the county of Durham, to the city of Durham; and for making the same more effectual.

*The act 18 Geo. 2. c. 8. continued for 21 years.*

## CAP. XXXIII.

*An act for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea.*

WHEREAS *the several laws relating to the sea service, made at different times, and on different occasions, have been found by experience not to be so full, so clear, so expedient, or consistent with each other, as they ought to be*; for amending and explaining the said laws, and for reducing them into one uniform act of parliament; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, an act passed in the thirteenth year of the reign of King *Charles* the Second, intituled, *An act for establishing articles and orders for the regulating and better government of his Majesty's navies, ships of war, and forces by sea*; and also so much of an act passed in the second year of the reign of King *William* and Queen *Mary*, intituled, *An act concerning the commissioners of the admiralty*; as directs the form of an oath to be taken by every officer present, upon all trials of offenders by courts-martial, to be held by virtue of any commission to be granted by the lord high admiral, or the commissioners for executing the office of lord high admiral; and also so much of an act passed in the sixth year of the reign of King *George* the First, intituled, *An act for making perpetual so much of an act made in the tenth year of the reign of Queen* Anne, *for the reviving and continuing several acts of parliament therein mentioned, as relates to the building and repairing county gaols; and also an act of the eleventh and twelfth years of the reign of King* William *the Third, for the more effectual suppression of piracy; and for making more effectual the act of the thirteenth year of the reign of King* Charles *the Second, intituled,* An act for establishing articles and orders for the regulating and better government

13 Car. 2. st. 1. c. 9.

2 W. & M. st. 2. c. 2. s. 4.

6 Geo. 1. c. 19.

vernment of his Majesty's navies, ships of war, and forces by sea; as relates to the trial and punishment of persons who shall commit any of the crimes or offences mentioned in the said articles upon the shore, in any foreign part or parts; and also so much of an act passed in the eighth year of the reign of King George the First, intituled, *An act for the more effectual suppressing of piracy*; as directs the punishment to be inflicted by a court-martial upon any captain, commander, or other officer of any his Majesty's ships or vessels of war, who shall receive on board, or permit to be received on board, any goods or merchandizes whatsoever, in order to trade or merchandize with the same (except the goods and merchandizes therein excepted) and also an act passed in the eighteenth year of the reign of his present Majesty, intituled, *An act for the regulating and better government of his Majesty's navies, ships of war, and forces by sea; and for regulating the proceedings upon courts-martial in the sea service*; and also an act passed in the twenty first year of the reign of his present Majesty, intituled, *An act for further regulating the proceedings upon courts-martial in the sea service; and for extending the discipline of the navy to the crews of his Majesty's ships wrecked, lost, or taken; and for continuing to them their wages upon certain conditions*, shall be, and the same are hereby repealed to all intents and purposes whatsoever.

8 Geo. 1. c. 24.

18 Geo. 2. c. 35.

21 Geo. 2. c. 11.

repealed.

II. And for the regulating and better government of his Majesty's navies, ships of war, and forces by sea, whereon, under the good providence of God, the wealth, safety, and strength of this kingdom chiefly depend; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, the articles and orders herein after following, as well in time of peace as in time of war, shall be duly observed and put in execution, in manner herein aftermentioned.

Commencement of the articles.

Publick worship to be performed.

1. *All commanders, captains, and officers, in or belonging to any of his Majesty's ships or vessels of war, shall cause the publick worship of Almighty God, according to the liturgy of the church of* England *established by law, to be solemnly, orderly, and reverently performed in their respective ships; and shall take care that prayers and preaching, by the chaplains in holy orders of the respective ships, be performed diligently; and that the Lord's day be observed according to law.*

Penalty of profane swearing, &c.

2. *All flag officers, and all persons in or belonging to his Majesty's ships or vessels of war, being guilty of profane oaths, cursings, execrations, drunkenness, uncleanness, or other scandalous actions, in derogation of God's honour, and corruption of good manners, shall incur such punishment as a court-martial shall think fit to impose, and as the nature and degree of their offence shall deserve.*

3. *If*

3. *If any officer, mariner, soldier, or other person of the fleet, shall give, hold, or entertain intelligence to or with any enemy or rebel, without leave from the King's majesty, or the lord high admiral, or the commissioners for executing the office of lord high admiral, commander in chief, or his commanding officer, every such person so offending, and being thereof convicted by the sentence of a court-martial, shall be punished with death.*

Penalty of holding illegal correspondence with an enemy;

4. *If any letter or message from any enemy or rebel, be conveyed to any officer, mariner, or soldier, or other in the fleet, and the said officer, mariner, soldier, or other as aforesaid, shall not, within twelve hours, having opportunity so to do, acquaint his superior officer, or the officer commanding in chief, with it; or if any superior officer being acquainted therewith, shall not in convenient time reveal the same to the commander in chief of the squadron, every such person so offending, and being convicted thereof by the sentence of the court-martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the court-martial shall impose.*

of not acquainting the superior officer with any message from an enemy:

5. *All spies, and all persons whatsoever, who shall come, or be found, in the nature of spies, to bring or deliver any seducing letters or messages from any enemy or rebel, or endeavour to corrupt any captain, officer, mariner, or other in the fleet, to betray his trust, being convicted of any such offence by the sentence of the court-martial, shall be punished with death, or such other punishment, as the nature and degree of the offence shall deserve, and the court-martial shall impose.*

of spies, and of delivering seducing letters, &c.

6. *No person in the fleet shall relieve an enemy or rebel with money, victuals, powder, shot, arms, ammunition, or any other supplies whatsoever, directly or indirectly, upon pain of death, or such other punishment as the court-martial shall think fit to impose, and as the nature and degree of the crime shall deserve.*

of relieving an enemy;

7. *All the papers, charter parties, bills of lading, passports, and other writings whatsoever, that shall be taken, seized, or found aboard any ship or ships which shall be surprized or taken as prize, shall be duly preserved, and the very originals shall by the commanding officer of the ship which shall take such prize, be sent intirely, and without fraud, to the court of admiralty, or such other court of commissioners, as shall be authorized to determine whether such prize be lawful capture, there to be viewed, made use of, and proceeded upon according to law, upon pain that every person offending herein, shall forfeit and lose his share of the capture, and shall suffer such further punishment, as the nature and degree of his offence shall be found to deserve, and the court-martial shall impose.*

of not sending all papers found aboard prize ships;

8. *No person in or belonging to the fleet shall take out of any prize, or ship seized for prize, any money, plate, or goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of his Majesty's ships or vessels of war, before the same be adjudged lawful prize in some admiralty court; but the full and entire account of the whole, without imbezzlement, shall be brought in, and judgement passed intirely upon the whole without fraud, upon pain that every person offending herein shall forfeit and lose his share of the capture, and suffer such further punishment as shall be imposed by a court-martial, or such court of admiralty, according to the nature and degree of the offence.*

of taking effects out of any prize before condemned;

of stripping, or ill using persons taken on board a prize;

9. *If any ship or vessel shall be taken as prize, none of the officers, mariners, or other persons on board her, shall be stripped of their cloaths, or in any sort pillaged, beaten, or evil-intreated, upon pain that the person or persons so offending, shall be liable to such punishment as a court-martial shall think fit to inflict.*

of not preparing for fight, and encouraging the men in time of action;

10. *Every flag officer, captain, and commander in the fleet, who, upon signal or order of fight, or sight of any ship or ships which it may be his duty to engage, or who, upon likelihood of engagement, shall not make the necessary preparations for fight, and shall not in his own person, and according to his place, encourage the inferior officers and men to fight courageously, shall suffer death, or such other punishment, as from the nature and degree of the offence a court-martial shall deem him to deserve; and if any person in the fleet shall treacherously or cowardly yield or cry for quarter, every person so offending, and being convicted thereof by the sentence of a court-martial, shall suffer death.*

of disobeying orders in time of action, &c.

11. *Every person in the fleet, who shall not duly observe the orders of the admiral, flag officer, commander of any squadron or division, or other his superior officer, for assailing, joining battle with, or making defence against any fleet, squadron, or ship, or shall not obey the orders of his superior officer as aforesaid in time of action, to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, every such person so offending, and being convicted thereof by the sentence of the court-martial, shall suffer death, or such other punishment, as from the nature and degree of the offence a court-martial shall deem him to deserve.*

of cowardice or neglect of duty in time of action;

12. *Every person in the fleet, who through cowardice, negligence, or disaffection, shall in time of action withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every ship which it shall be his duty to engage, and to assist and relieve all and every of his Majesty's ships, or those of his allies, which it shall be his duty to assist and relieve, every such person so offending, and being convicted thereof by the sentence of a court-martial, shall suffer death.*

of not pursuing the enemy, and of not assisting a friend;

13. *Every person in the fleet, who through cowardice, negligence, or disaffection, shall forbear to pursue the chace of any enemy, pirate, or rebel, beaten or flying; or shall not relieve or assist a known friend in view to the utmost of his power; being convicted of any such offence by the sentence of a court-martial, shall suffer death.*

of delaying or discouraging the service, on account of wages, &c.

14. *If when action, or any service shall be commanded, any person in the fleet shall presume to delay or discourage the said action or service, upon pretence of arrears of wages, or upon any pretence whatsoever, every person so offending, being convicted thereof by the sentence of the court-martial, shall suffer death, or such other punishment, as from the nature and degree of the offence a court-martial shall deem him to deserve.*

of deserting, or running away with ship or stores;

15. *Every person in or belonging to the fleet, who shall desert to the enemy, pirate, or rebel, or run away with any of his Majesty's ships or vessels of war, or any ordnance, ammunition stores, or provision belonging thereto, to the weakening of the service, or yield up the same cowardly or*

treacherously

*treacherously to the enemy, pirate, or rebel, being convicted of any such offence by the sentence of the court-martial, shall suffer death.*

16. *Every person in or belonging to the fleet, who shall desert or intice others so to do, shall suffer death, or such other punishment as the circumstances of the offence shall deserve, and a court-martial shall judge fit: and if any commanding officer of any of his Majesty's ships or vessels of war shall receive or entertain a deserter from any other of his Majesty's ships or vessels, after discovering him to be such deserter, and shall not with all convenient speed give notice to the captain of the ship or vessel to which such deserter belongs; or if the said ships or vessels are at any considerable distance from each other, to the secretary of the admiralty, or to the commander in chief; every person so offending, and being convicted thereof by the sentence of the court-martial, shall be cashiered.*

of deserting, or inticing others;

17. *The officers and seamen of all ships appointed for convoy and guard of merchant ships, or of any other, shall diligently attend upon that charge, without delay, according to their instructions in that behalf; and whosoever shall be faulty therein, and shall not faithfully perform their duty, and defend the ships and goods in their convoy, without either diverting to other parts or occasions, or refusing or neglecting to fight in their defence, if they be assailed, or running away cowardly, and submitting the ships in their convoy to peril and hazard; or shall demand or exact any money or other reward from any merchant or master for convoying of any ships or vessels intrusted to their care, or shall misuse the masters or mariners thereof; shall be condemned to make reparation of the damage to the merchants, owners, and others, as the court of admiralty shall adjudge, and also be punished criminally according to the quality of their offences, be it by pains of death, or other punishment, according as shall be adjudged fit by the court martial.*

of not taking care of ships under convoy;

18. *If any captain, commander, or other officer of any of his Majesty's ships or vessels, shall receive on board, or permit to be received on board such ship or vessel, any goods or merchandizes whatsoever, other than for the sole use of the ship or vessel, except gold, silver, or jewels, and except the goods and merchandizes belonging to any merchant, or other ship or vessel which may be shipwrecked, or in imminent danger of being shipwrecked, either on the high seas, or in any port, creek, or harbour, in order to the preserving them for their proper owners, and except such goods or merchandizes as he shall at any time be ordered to take or receive on board by order of the lord high admiral of* Great Britain, *or the commissioners for executing the office of lord high admiral for the time being; every person so offending, being convicted thereof by the sentence of the court-martial, shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the naval service of his Majesty, his heirs and successors.*

of taking goods on board, other than gold, silver, jewels, &c.

19. *If any person in or belonging to the fleet shall make or endeavour to make any mutinous assembly upon any pretence whatsoever, every person offending herein, and being convicted thereof by the sentence of the court-martial, shall suffer death: and if any person in or belonging to the fleet shall utter any words of sedition or mutiny, he shall suffer death, or such other punishment as a court-martial shall deem him to deserve: and if any officer, mariner, or soldier in or belonging to the fleet, shall behave himself*

of mutinous assemblies, or uttering seditious words;

*himself with contempt to his superior officer, such superior officer, being in the execution of his office, be shall be punished according to the nature of his offence by the judgment of a court-martial.*

of concealing mutinous practice, or words;

20. *If any person in the fleet shall conceal any traiterous or mutinous practice or design, being convicted thereof by the sentence of a court-martial, be shall suffer death, or such other punishment as a court-martial shall think fit; and if any person, in or belonging to the fleet, shall conceal any traiterous or mutinous words spoken by any, to the prejudice of his Majesty or government, or any words, practice, or design, tending to the hindrance of the service, and shall not forthwith reveal the same to the commanding officer, or being present at any mutiny or sedition, shall not use his utmost endeavours to suppress the same, be shall be punished as a court-martial shall think he deserves.*

of endeavouring to stir up disturbance, on account of unwholsomeness of victual, &c.

21. *If any person in the fleet shall find cause of complaint of the unwholesomeness of the victual, or upon other just ground, be shall quietly make the same known to his superior, or captain, or commander in chief, as the occasion may deserve, that such present remedy may be had as the matter may require; and the said superior, captain, or commander in chief, shall, as far as he is able, cause the same to be presently remedied; and no person in the fleet, upon any such or other pretence, shall attempt to stir up any disturbance, upon pain of such punishment, as a court-martial shall think fit to inflict, according to the degree of the offence.*

of striking, &c a superior officer, or disobeying his lawful commands;

22. *If any officer, mariner, soldier, or other person in the fleet, shall strike any of his superior officers, or draw, or offer to draw, or lift up any weapon against him, being in the execution of his office, on any pretence whatsoever, every such person being convicted of any such offence, by the sentence of a court-martial, shall suffer death; and if any officer, mariner, soldier, or other person in the fleet, shall presume to quarrel with any of his superior officers, being in the execution of his office, or shall disobey any lawful command of any of his superior officers; every such person being convicted of any such offence, by the sentence of a court-martial, shall suffer death, or such other punishment, as shall, according to the nature and degree of his offence, be inflicted upon him by the sentence of a court-martial.*

of quarrelling &c or using reproachful speech;

23. *If any person in the fleet shall quarrel or fight with any other person in the fleet, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, be shall, upon being convicted thereof, suffer such punishment as the offence shall deserve, and a court-martial shall impose.*

of wasting stores, &c.

24. *There shall be no wasteful expence of any powder, shot, ammunition, or other stores in the fleet, nor any embezzlement thereof, but the stores and provisions shall be carefully preserved, upon pain of such punishment to be inflicted upon the offenders, abettors, buyers, and receivers (being persons subject to naval discipline) as shall be by a court-martial found just in that behalf.*

of burning any magazine or vessel, &c.

25. *Every person in the fleet, who shall unlawfully burn or set fire to any magazine or store of powder, or ship, boat, ketch, boy, or vessel, or tackle or furniture thereunto belonging, not then appertaining to an enemy, pirate,*

*or*

*or rebel, being convicted of any such offence, by the sentence of a court-martial, shall suffer death.* not belongin to an enemy;

26. *Care shall be taken in the conducting and steering of any of his Majesty's ships, that through wilfulness, negligence, or other defaults, no ship be stranded, or run upon any rocks or sands, or split or hazarded, upon pain, that such as shall be found guilty therein, be punished by death, or such other punishment, as the offence by a court-martial shall be judged to deserve.* of neglect in conducting and steering;

27. *No person in or belonging to the fleet shall sleep upon his watch, or negligently perform the duty imposed on him, or forsake his station, upon pain of death, or such other punishment as a court-martial shall think fit to impose, and as the circumstances of the case shall require.* of sleeping on watch, &c.

28. *All murders committed by any person in the fleet, shall be punished with death by the sentence of a court-martial.* of murder,

29. *If any person in the fleet shall commit the unnatural and detestable sin of buggery or sodomy with man or beast, he shall be punished with death by the sentence of a court-martial.* buggery,

30. *All robbery committed by any person in the fleet, shall be punished with death, or otherwise, as a court-martial, upon consideration of circumstances, shall find meet.* robbery,

31. *Every officer or other person in the fleet, who shall knowingly make or sign a false muster or muster-book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof, shall, upon proof of any such offence being made before a court-martial, be cashiered, and rendered incapable of further employment in his Majesty's naval service.* false musters,

32. *No provost-martial belonging to the fleet shall refuse to apprehend any criminal, whom he shall be authorized by legal warrant to apprehend, or to receive or keep any prisoner committed to his charge, or wilfully suffer him to escape, being once in his custody, or dismiss him without lawful order, upon pain of such punishment as a court-martial shall deem him to deserve; and all captains, officers, and others in the fleet, shall do their endeavour to detect, apprehend, and bring to punishment all offenders, and shall assist the officers appointed for that purpose therein, upon pain of being proceeded against, and punished by a court-martial, according to the nature and degree of the offence.* not apprehending prisoners and permitting escapes;

33. *If any flag officer, captain, or commander, or lieutenant belonging to the fleet, shall be convicted before a court-martial of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner, unbecoming the character of an officer, he shall be dismissed from his Majesty's service.* scandalous, oppressive, or fraudulent behaviour of officers;

34. *Every person being in actual service and full pay, and part of the crew in or belonging to any of his Majesty's ships or vessels of war, who shall be guilty of mutiny, desertion, or disobedience to any lawful command, in any part of his Majesty's dominions on shore, when in actual service relative to the fleet, shall be liable to be tried by a court-martial, and* mutiny, desertion, or disobedience on shore;

*suffer the like punishment for every such offence, as if the same had been committed at sea on board any of his Majesty's ships or vessels of war.*

committing on shore any of the crimes punishable by these articles.

35. *If any person who shall be in the actual service and full pay of his Majesty's ships and vessels of war, shall commit upon the shore, in any place or places out of his Majesty's dominions, any of the crimes punishable by these articles and orders, the person so offending shall be liable to be tried and punished for the same, in like manner, to all intents and purposes, as if the said crimes had been committed at sea, on board any of his Majesty's ships or vessels of war.*

Other crimes not capital, &c. to be punished according to the custom of the navy.

36. *All other crimes not capital committed by any person or persons in the fleet, which are not mentioned in this act, or for which no punishment is hereby directed to be inflicted, shall be punished according to the laws and customs in such cases used at sea.*

No imprisonment to be longer than two years.

III. Provided always, That no person convicted of any offence shall, by the sentence of any court-martial to be held by virtue of this act, be adjudged to be imprisoned for a longer term than the space of two years.

Court martial not to try any offences,

except those specified in the 5, 34, 35, articles, which shall not be committed within the jurisdiction of the admiralty.

IV. Provided also, That nothing in this act contained shall extend, or be construed to extend, to impower any court-martial to be constituted by virtue of this act, to proceed to the punishment or trial of any of the offences specified in the several articles contained in this act, or of any offence whatsoever (other than the offences specified in the fifth, thirty fourth, and thirty fifth of the foregoing articles and orders) which shall not be committed upon the main sea, or in great rivers only, beneath the bridges of the said rivers nigh to the sea, or in any haven, river, or creek within the jurisdiction of the admiralty, and which shall not be committed by such persons as at the time of the offence committed shall be in actual service and full pay in the fleet or ships of war of his Majesty, his heirs or successors, such persons only excepted, and for such offences only, as are described in the fifth of the foregoing articles and orders.

No soldier on board any transport to be tried by a naval court-martial.

V. Provided also, That nothing in this act contained shall extend, or be construed to extend, to impower any court-martial to be constituted by virtue of this act, to proceed to the punishment or trial of any land officer or soldier on board any transport ship, for any of the offences specified in the several articles contained in this act.

The admiralty impowered to grant commissions for holding courts-martial,

VI. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, the lord high admiral of *Great Britain* or the commissioners for executing the office of lord high admiral of *Great Britain* for the time being, shall have full power and authority to grant commissions to any officer commanding in chief any fleet or squadron of ships of war, to call and assemble courts-martial, consisting of commanders and captains; and that in case any officer commanding in chief any fleet or squadron of ships of war, (who shall be authorized by the lord high admi-

commander in chief, dying, &c. the next

ral,

ral, or the commissioners for executing the office of lord high admiral for the time being, to call and assemble courts-martial in foreign parts) shall happen to die, or be recalled, or removed from his command, then the officer upon whom the command of the said fleet or squadron shall devolve, and so, from time to time, the officer who shall have the command of the fleet or squadron, shall have the same power to call and assemble courts-martial, as the first commander in chief of the said fleet or squadron was invested with.

in command to hold courts-martial.

VII. Provided always, and it is hereby enacted and declared, That no commander in chief of any fleet or squadron of his Majesty's ships, or detachment thereof, consisting of more than five ships, shall preside at any court-martial in foreign parts, but that the officer next in command to such officer commanding in chief, shall hold such court-martial, and preside thereat; any law, custom, or usage to the contrary notwithstanding.

Officer next in command where there are 5 ships, to preside at courts-martial in foreign parts.

VIII. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, in case any commander in chief in any fleet or squadron of his Majesty's ships or vessels of war in foreign parts, shall detach any part of such fleet or squadron, every commander in chief shall, and he is hereby authorized and required, by writing under his hand, to impower the chief commander of the squadron or detachment so ordered on such separate service (and in case of his death or removal, the officer to whom the command of such separate squadron or detachment shall belong) to hold courts-martial, during the time of such separate service, or until the commander of the said detachment for the time being shall return to his commander in chief, or shall come under the command of any other his superior officer, or return to *Great Britain* or *Ireland*.

Commanders in chief to impower the commanders of a squadron on separate service to hold courts-martial.

IX. Provided always, and it is hereby further enacted, That if any five or more of his Majesty's ships or vessels of war, shall happen to meet together in foreign parts, then and in such case, it shall be lawful for the senior officer of the said ships or vessels to hold courts martial, and preside thereat, from time to time, as there shall be occasion, during so long time as the said ships or vessels of war, or any five or more of them, shall continue together.

If five or more ships meet in foreign parts the senior officer to hold courts-martial

X. Provided nevertheless, and be it also enacted, That where any material objection occurs, which may render it improper for the person who is next in command to the senior officer or commander in chief of any fleet or squadron of his Majesty's ships of war in foreign parts to hold courts-martial, or preside thereat, in such case it shall be lawful for the lord high admiral, or commissioners for executing the office of lord high admiral for the time being, as also the commander in chief of any such fleet or squadron of his Majesty's ships in foreign parts, respectively to appoint the third officer in command to preside at, or hold such court-martial.

Where the third officer in command to preside.

XI. And it is hereby further enacted, That from and after the

The admiralty impowered to appoint officers in the ports of Great Britain, &c. to hold courts-martial.

the twenty fifth day of *December*, one thousand seven hundred and forty nine, it shall be lawful for the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral for the time being, and they are hereby respectively authorized, from time to time, as there shall be occasion, to direct any flag officer, or captain of any of his Majesty's ships of war, who shall be in any port of *Great Britain* or *Ireland*, to hold courts-martial in any such port, provided such flag officer or captain be the first, second, or third in command of such port, as shall be found most expedient, and for the good of his Majesty's service; and such flag officer or captain, so directed to hold courts-martial, shall preside at such court-martial; any thing herein contained to the contrary notwithstanding.

Court-martial not to consist of more than 13, nor less than 5 officers.

XII. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, no court-martial, to be held or appointed by virtue of this present act, shall consist of more than thirteen, or of less than five persons, to be composed of such flag officers, captains, or commanders then and there present, as are next in seniority to the officer who presides at the court-martial.

The officer not to direct the particular number.

XIII. Provided always, and be it enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to authorize or impower the lord high admiral, or the commissioners for executing the office of lord high admiral, or any officer impowered to order or hold courts-martial, to direct or ascertain the particular number of persons of which any court-martial, to be held or appointed by virtue of this present act, shall consist.

Where there are 3 post captains, the president to call in commanders under that rank.

XIV. Provided always, and it is hereby enacted and declared, That in case any court-martial shall, by virtue of this act, be appointed to be held at any place where there are not less than three, nor yet so many as five officers of the degree and denomination of a post captain, or of a superior rank to be found, then it shall be lawful for the officer, at the place appointed for holding such court-martial, who is to preside at the same, to call to his assistance as many of the commanders of his Majesty's vessels, under the rank and degree of a post captain, as, together with the post captains then and there present, will make up the number of five, to hold such court-martial.

Penalty if a member of the court go on shore, after trial is begun.

XV. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, no member of any court-martial, after the trial is begun, shall go on shore till sentence be given, but remain on board the ship in which the court shall first assemble, except in case of sickness, to be judged of by the court, upon pain of being cashiered from his Majesty's service; nor shall the proceedings of the said court be delayed by the absence of any of its members, provided a sufficient number doth remain to compose the said court, which shall and is hereby required to sit from day to day (*Sunday* always excepted) until the sentence be given.

Proceedings not to be delayed.

XVI. And

XVI. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, upon all trials of offenders by any court-martial, all the officers present who are to constitute the said court-martial, shall, before they proceed to such trial, take such oath as is herein after-mentioned, upon the holy evangelists, before the court; which oath the judge advocate, or his deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following (that is to say)

Officers composing a court-martial to be sworn.

I A. B. *do swear, That I will duly administer justice, according to the articles and orders established by an act passed in the twenty second year of the reign of his majesty King* George *the Second, for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea, without partiality, favour, or affection; and if any case shall arise, which is not particularly mentioned in the said articles and orders, I will duly administer justice according to my conscience, the best of my understanding, and the custom of the navy in the like cases; and I do further swear, That I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial, unless thereunto required by act of parliament.*

The oath.

So help me *God.*

And so soon as the said oath shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, an oath in the following words:

Judge advocate to be sworn.

I A. B. *do swear, That I will not upon any account at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial, unless thereunto required by act of parliament.*

So help me *God.*

XVII. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, in case any person in the fleet, being called upon to give evidence at any court-martial, shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the court, it shall and may be lawful for such court-martial to punish every such offender by imprisonment, at the discretion of the court, such imprisonment not to continue longer than three months, in case of such refusal or prevarication, nor longer than one month in the case of such contempt; and that all and every person and persons who shall commit any wilful perjury, in any evidence or examination upon oath at any such court-martial, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and

Penalty of refusing to give evidence, or prevaricating, and of contempt to the court;

of perjury, or subornation.

and may be prosecuted in his Majesty's court of *King's Bench*, by indictment or information; and every issue joined in any such indictment or information shall be tried by good and lawful men of the county of *Middlesex*, or such other county as the said court of *King's Bench* shall direct; and all and every person and persons, being lawfully convicted upon any such indictment or information shall be punished with such pains and penalties, as are inflicted for the like offences respectively by two acts of parliament, the one made in the fifth year of the reign of Queen *Elizabeth*, intituled, *An act for punishment of such persons as shall procure or commit any wilful perjury*; and the other made in the second year of the reign of his present Majesty, intituled, *An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury; and to make it felony to steal bonds, notes, or other securities for payment of money.*

5 Eliz. c. 9.

2 Geo. 2. c. 25.

The offence only to be set forth in information, &c.

XVIII. And be it further enacted by the authority aforesaid, That in every information or indictment to be prosecuted by virtue of this act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant, without setting forth the commission or authority for holding the court-martial, and without setting forth the particular matter tried or to be tried, or directed or intended to be tried before such court.

Report to be made to the admiralty, &c. before sentence of death, except in cases of mutiny.

XIX. And it is hereby further enacted, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, no sentence of death given by any court-martial held within the narrow seas (except in cases of mutiny) shall be put in execution till after the report of the proceedings of the said court shall have been made to the lord high admiral, or the commissioners for executing the office of lord high admiral, and his or their directions shall have been given therein; and if the said court shall have been held beyond the narrow seas, then such sentence of death shall not be carried into execution but by order of the commander of the fleet or squadron wherein sentence was passed; and in cases where sentence of death shall be passed in any squadron, detached from any other fleet or squadron upon a separate service, then such sentence of death (except in cases of mutiny) shall not be put in execution, but by order of the commander of the fleet or squadron from which such detachment shall have been made, or of the lord high admiral, or commissioners for executing the office of lord high admiral; and in cases where sentence of death shall be passed in any court-martial held by the senior officer of five or more of his Majesty's ships, which shall happen to meet together in foreign parts pursuant to the power herein before given, then such sentence of death (except in cases of mutiny) shall not be carried into execution but by order of the lord high admiral, or commissioners for executing the office of lord high admiral.

XX. And be it further enacted and declared, That from and after the twenty fifth day of *December*, one thousand seven hun-

hundred and forty nine, the judge advocate of any fleet for the time being, or his deputy, shall have full power and authority, and is hereby required to administer an oath to any witness at any trial by court-martial; and in the absence of the judge advocate and his deputy, the court-martial shall have full power and authority to appoint any person to execute the office of judge advocate.

Judge advocate to administer oath to witnesses.

XXI. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, all the powers given by the several articles and orders established by this act, shall remain and be in full force with respect to the crews of such of his Majesty's ships as shall be wrecked, or be otherwise lost or destroyed; and all the command, power, and authority given to the officers of the said ship or ships, shall remain and be in full force as effectually as if such ship or ships to which they did belong were not so wrecked, lost, or destroyed, until they shall be regularly discharged from his Majesty's further service, or removed into some other of his Majesty's ships of war, or until a court-martial shall be held, pursuant to the custom of the navy in such cases, to enquire into the causes of the loss of the said ship or ships: and if upon such enquiry it shall appear by the sentence of the court-martial that all, or any of the officers or seamen of the said ship or ships did their utmost to preserve, get off, or recover the said ship or ships, and since the loss thereof have behaved themselves obediently to their superior officers, according to the discipline of the navy and the said articles and orders herein before established, then all the pay and wages of the said officers and seamen, or of such of them as shall have done their duty as aforesaid, shall continue and go on, and be paid to the time of their discharge or death; or if they shall be then alive, to the time of the holding of such court-martial, or removal into some other of his Majesty's ships of war, and every such officer and seaman of any of his Majesty's ships of war, who after the wreck or loss of his ship, shall act contrary to the discipline of the navy, and the several articles and orders herein before established, or any of them, shall be sentenced by the said court-martial, and punished as if the ship to which he did belong was not so wrecked, lost, or destroyed.

Articles to be in force with respect to crews of ships lost or destroyed.

The pay of such ships reserved.

XXII. And be it further enacted, That from and after the said twenty fifth day of *December*, one thousand seven hundred and forty nine, all the pay and wages of such officers and seamen of any of his Majesty's ships as are taken by the enemy, and upon enquiry at a court-martial shall appear by the sentence of the said court to have done their utmost to defend the said ship or ships, and since the taking thereof, to have behaved themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders herein before established, shall continue and go on, and be paid, from the time of their being so taken, to the time of the holding of such court-martial, or until they shall be regularly discharged from his Majesty's service, or removed into some other of his Ma-

The pay of the officers and men taken by the enemy, who have behaved well, reserved.

Majesty's ships of war, or (if they shall die in captivity, or not live to the time of the holding of such court-martial) to the time of their death, in such manner, and not otherwise, as if the said ship or ships to which they did belong respectively, was not, or were not so taken.

No person not flying from justice, to be tried, unless complaint in writing be made to the admiralty, &c.

or a court be ordered within three years, or within one year after the return of the ship or offender.

XXIII. Provided always, and be it further enacted, That no person or persons not flying from justice, shall be tried or punished by any court-martial for any offence to be committed against this act, unless the complaint of such offence be made in writing to the lord high admiral, or to the commissioners for executing the office of lord high admiral for the time being, or any commander in chief of his Majesty's squadrons or ships impowered to hold courts-martial, or unless a court-martial to try such offender shall be ordered by the said lord high admiral, or the said commissioners, or the said commander in chief, either within three years after such offence shall be committed, or within one year after the return of the ship, or of the squadron, to which such offender shall belong, into any of the ports of *Great Britain* or *Ireland*; or within one year after the return of such offender into *Great Britain* or *Ireland*.

XXIV. *And whereas by the said act, intituled,* An act for the more effectual suppressing of piracy; *it is amongst other things enacted in the following words, That the said captain, commander, or other officer of the said ship or vessel of war, and all and every the owners and proprietors of such goods and merchandizes, put on board such ship or vessel of war as aforesaid, shall lose, forfeit, and pay the value of all and every such goods and merchandizes so put on board as aforesaid; one moiety of such full value to such person or persons as shall make the first discovery, and give information of or concerning the said offence; the other moiety of such full value, to and for the use of* Greenwich Hospital; *all which forfeitures shall and may be sued for and recovered in the high court of admiralty:* now for making the said in part recited act more useful and effectual, be it enacted by the authority aforesaid, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty nine, if any captain, commander, or other officer of any of his Majesty's ships or vessels, shall receive on board, or permit, or suffer to be received on board such ship or vessel, any goods or merchandizes, contrary to the true intent and meaning of the eighteenth article in this act before-mentioned and hereby enacted, every such captain, commander, or other officer shall, for every such offence, over and above any punishment inflicted by this act, forfeit and pay the value of all and every such goods and merchandizes so received or permitted, or suffered to be received on board as aforesaid, or the sum of five hundred pounds of lawful money of *Great Britain*, at the election of the informer, or person who shall sue for the same, so that no more than one of these penalties or forfeitures shall be sued for and recovered by virtue of this and the said in part recited act, or either of them, against the same person, for one and the same offence; one moiety of which penalties or forfeitures

Penalty on officers receiving on board goods.

tures shall be forfeited and paid to the person who shall inform or sue for the same, and the other moiety thereof, to and for the use of the royal hospital at *Greenwich*; which forfeiture shall be sued for, and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the high court of admiralty, at the election of the informer, or person who shall sue for the same; and the court shall award such costs to the parties, as shall be just; and in all cases where judgement or sentence shall be given against any such offender, the court where such judgement or sentence shall be given, shall, with all convenient speed, certify the same to the lord high admiral, or to the commissioners for executing the said office.

Application of the forfeiture.

Method of recovery.

The court to certify to the admiralty the judgement.

XXV. Provided always, That nothing in this act contained, shall extend, or be construed to extend to take away from the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain*, or any vice admiral, or any judge or judges of the admiralty, or his or their deputy or deputies, or any other officers or ministers of the admiralty, or any others having or claiming any admiral power jurisdiction, or authority within this realm, or any other the King's dominions, or from any person or court whatsoever, any power, right, jurisdiction, pre-eminence, or authority, which he or they, or any of them, lawfully hath, have, or had, or ought to have and enjoy, before the making of this act, so as the same person shall not be punished twice for the same offence.

Limitation of the powers of this act.

XXVI. Provided nevertheless, and be it enacted, That the repeal of the said before recited statutes, or any part thereof, or any thing herein contained, shall not extend, or be deemed to extend to discharge or avoid, or prevent any prosecution or suit commenced, or at any time hereafter to be commenced against any person or persons, for any offence committed on or before the said twenty fifth day of *December*, one thousand seven hundred and forty nine, or to be committed against the said statutes, or any part or parts thereof, but that all persons who have been or shall, before the said twenty fifth day of *December*, be guilty of any such offence, shall and may be prosecuted, sued, condemned, and punished for the same, as well after as before the said twenty fifth day of *December*, as if the said statutes had not been repealed.

Repeal of the recited statutes not to avoid prosecutions for offences committed on or before 25 Dec. 1749.

## CAP. XXXIV.

An act for enlarging the term and powers granted by an act made in the third year of the reign of his present Majesty, intituled, *An act for making a new road, and for repairing and amending the ancient road between the towns of Wisbech and March, in the isle of Ely and county of Cambridge.*

*The act* 3 Geo 2. c. 24. *continued for* 21 *years.*

## CAP. XXXV.

An act for repairing and widening the road leading from the town of Kingston upon Thames, in the county of Surry, to a place called Sheet-

bridge, near Petersfield, in the county of Southampton; and also the road from Hindhead Heath, through Fernhurst Lane and Midhurst, to the city of Chichester, in the county of Sussex.

*Certain tolls granted for 21 years.*

## CAP. XXXVI.

*An act for the more effectual preventing the importation and wear of foreign embroidery and brocade, and of gold and silver thread, lace, or other work made of gold or silver wire manufactured in foreign parts.*

WHEREAS *great quantities of foreign embroidery, gold and silver thread, lace, fringe, and brocade, continue to be daily brought into, and sold within this kingdom, and great sums of money are daily exported out of this kingdom for the buying and fetching in of those commodities, the importation whereof is contrary to several acts of parliament made for prohibiting the same:* for redress whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *July*, one thousand seven hundred and forty nine, no foreign embroidery, or gold, or silver brocade, shall be imported or brought into *Great Britain*, upon pain of being forfeited and burnt, and upon the further penalty of one hundred pounds of lawful money of *Great Britain*, to be paid by the importer thereof for each piece or parcel so imported.

Penalty on importing foreign embroidery, or gold or silver brocade.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *July*, one thousand seven hundred and forty nine, no mercer, laceman, haberdasher, upholder, milliner, taylor, or other person or persons whatsoever, shall vend, utter, sell, or expose to sale, or exchange, barter, truck, or otherwise dispose of, any foreign embroidery, gold, or silver thread, lace, fringe, brocade, or any other work made thereof, or of gold or silver wire, or plate, wove, wrought, fabricated, or manufactured in foreign parts, or sew, work, or make up the same, for, in, or upon any garment or wearing apparel whatsoever, upon pain that all and every such foreign embroidery, gold or silver thread, lace, fringe, brocade, or other work made thereof, or of gold or silver wire, or plate, so sold or exposed to sale, exchanged, bartered, trucked, or disposed of, or sewed, worked, or made up, for, in, or upon any garment or wearing apparel, and the garment, wearing apparel, or other materials, in, with, or upon which the same shall be so sewed, wrought, or made up, shall be forfeited and burnt; and all and every person or persons who shall vend, utter, sell, or expose to sale, exchange, barter, truck, or dispose of, or knowingly sew, work, or make up, or cause or procure to be worked or made up, for, in, or upon any garment or wearing apparel, any such foreign embroidery, gold or silver thread, lace, fringe, brocade, or other work, wove, wrought, fabricated, or manufactured in foreign parts

Venders or makers up of foreign embroidery, &c. to forfeit 100l. and the garment to be burnt.

Parts, shall, for every such offence, forfeit the sum of one hundred pounds of lawful money of *Great Britain*.

Foreign embroidery, &c. which shall be seized after 1 July, 1749, to be burnt,

III. And be it further enacted by the authority aforesaid, That all foreign embroidery and gold or silver thread, lace, fringe, brocade, or other work made thereof, or of gold or silver wire or plate, wove, wrought, fabricated, or manufactured in foreign parts, which, after the said first day of *July*, one thousand seven hundred and forty nine, shall be seized within this kingdom, whether the same shall be mixed with, sewed on, or made up, together with any other goods or materials, or otherwise, and the apparel, garment or other materials, in, with, or upon which the same shall be mixed, sewed, or made up, shall be forfeited, and after condemnation shall be burnt; and the mercer, laceman, haberdasher, upholder, milliner, taylor, or other dealer in, or vender or maker up of, any of the said manufactures, in whose house, warehouse, custody, or possession the same shall be so found and seized, being thereof convicted, shall, for each piece or parcel of such foreign embroidery, gold or silver thread, lace, fringe, brocade, or other work made thereof, or of gold or silver wire or plate, that shall be seized and found in his, her, or their house, shop, warehouse, custody, or possession as aforesaid, and which shall have been brought, placed, or continued there, with his, her, or their knowledge, privity, or consent, forfeit the sum of one hundred pounds of lawful money of *Great Britain*.

and the dealer, &c. to forfeit 100 l.

The embroidery, &c. with the garments, to be burnt.

IV. And be it further enacted by the authority aforesaid, That all foreign embroidery, gold or silver thread, lace, fringe, brocade, or other work made thereof, or of gold or silver wire or plate seized by virtue of this or any other act, shall, after condemnation, be together with the garment, wearing apparel, or other materials, in, with, or upon which the same shall be mixed, sewed, wrought, or made up, publickly burnt at such places as the commissioners of his Majesty's customs in *England* or *Scotland* respectively shall direct.

Prosecution of penalties, and application.

V. And be it further enacted by the authority aforesaid, That the several penalties and forfeitures in this act mentioned, shall and may be prosecuted and determined by bill, plaint, or information in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and one moiety of the said penalties and forfeitures shall be to the use of the King's majesty, and the other moiety to such person or persons as will sue for or prosecute the same.

The proof to lie upon the claimer.

VI. And be it further enacted by the authority aforesaid, That if any question or doubt shall arise, where the said goods were manufactured, the proof shall lie upon the owner or claimer of such goods, or the person prosecuted for being guilty of an offence against this act, and not upon the prosecutor; any law, usage, or custom to the contrary notwithstanding.

The wearer to incur no penalty.

VII. Provided always, That nothing in this act contained shall

shall extend, or be construed to extend, to inflict any penalty on the wearer of any foreign embroidery, gold or silver thread, lace, fringe, brocade, or other work made thereof, or of gold or silver wire or plate; any thing herein contained to the contrary thereof in any wise notwithstanding.

Limitation of actions.

VIII. Provided always, and it is hereby enacted and declared, That all informations, bills, actions, and suits, that shall be had, brought, commenced, sued, or exhibited for any forfeiture or offence committed against this or any of the former acts of parliament, which prohibit the importation or sale of foreign embroidery, gold or silver thread, lace, fringe, brocade, or other work made thereof, or of gold or silver wire or plate, or any of them, shall and may be had, brought, commenced, sued, and exhibited within twelve calendar months after the discovery of such offence, and in case of seizure, within three months after such seizure shall be made; any former act or law to the contrary notwithstanding.

General issue.

Treble costs.

IX. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued or prosecuted for what either he or they shall do in the execution of this act, he or they may plead the general issue, and give this act, and the special matter in evidence; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action or actions; or if a verdict shall pass against him, her, or them, the defendant or defendants shall recover treble costs, for which they shall have the like remedy, as in other cases where costs are allowed to defendants.

## CAP. XXXVII.

*An act for the better securing his Majesty's duties arising upon coal, culm, and cinders, exported beyond sea.*

WHEREAS *by the laws now in force, the masters of all ships and vessels used and employed in carrying coals, culm, and cinders coastwise, from port to port within the kingdom of* Great Britain, *do at the several and respective ports, where and at the time when coals, culm, and cinders are shipped or laden on board their ships or vessels, enter into bond to his Majesty with security for the delivery of their respective ladings of coals, culm, and cinders in some other port or creek in* Great Britain: *and whereas many of the said masters of ships and vessels so laden with coals, culm, or cinders, to be carried coastwise, do, under pretence of being forced by contrary winds and stress of weather, carry and convey, and dispose of their said ladings of coals, culm, and cinders in foreign parts beyond the seas, without having first paid the customs and oversea duties due to his Majesty for the same upon the exportation thereof, and which they ought to have paid at the port where their cargoes of coals, culm, or cinders were laden, before the departure out of the said port; which practice tends to the promoting and encouraging of fraud, and is a great prejudice to the publick revenue:* therefore, for the preventing such fraudulent practices, and the consequences thereof for the future, be it enacted by the King's most excellent majesty, by and

with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty nine, it shall not be lawful for any collector, comptroller, customer, surveyor, searcher, waiter, or other officer or officers of the customs whatsoever, or their deputy or deputies, in any port, harbour, haven, creek, or other place whatsoever within the kingdom of *Great Britain*, to clear outwards any ship or vessel whatsoever wherein coals, culm, or cinders shall have been exported and carried from any port or place whatsoever in *Great Britain*, to any port or place whatsoever in parts beyond the seas, nor to sign, issue forth, or grant any warrant, cocquet, lett-pass, transire, sufferance, return, discharge, or other dispatch or dispatches, of any nature or kind whatsoever, for the clearing outwards, either for a coasting or a foreign voyage, any such ship or vessel wherein coals, culm, or cinders shall have been laden in *Great Britain*, and delivered in foreign parts, or for the loading or laying on board thereon, any goods or merchandize whatsoever, nor to permit or suffer any such ship or vessel to go out of any port, harbour, haven, creek, or other place whatsoever in *Great Britain*, until the master, commander, or other person or persons taking charge or care of any such ship or vessel, or the owner or owners thereof, or some or one of them, shall and do pay, or cause to be paid, all the customs and duties due and payable for and in respect of such coals, culm, or cinders so carried and exported into parts beyond the seas, in such ship or other vessel the last preceding voyage she made, or until they shall and do produce and shew unto such officer or officers of the customs, or their deputy or deputies, an authentick certificate under the hands and seals of the office of the collector, customer, and comptroller, or other chief officer or officers of the customs, of or belonging to the port, harbour, haven, creek, or other place in *Great Britain*, where the coals, culm, or cinders (so exported and conveyed into foreign parts) were first shipped and laden on board such ship or vessel, signifying that such master, commander, owner, or other person, or some or one of them, or their agents, hath fully answered, paid, and satisfied all and every the customs and other duties due and payable to his Majesty, for all such coals, culm, and cinders, so carried and exported into foreign parts beyond the seas as aforesaid, by such ship or other vessel the last preceding voyage made by such ship or vessel; and in case any officer or officers of the customs, or his deputy, shall, from and after the said twenty fourth day of *June*, one thousand seven hundred and forty nine, clear any ship or vessel outwards, or sign or grant any warrant, cocquet, lett-pass, transire, sufferance, return, discharge, or other dispatch whatsoever, either for the clearing such ship or vessel outwards, for a foreign or coasting voyage, or for the loading or laying on board thereon any goods or merchandizes whatsoever, or shall permit or suffer any

No officer to clear outwards any vessels, wherein coals were exported,

until the customs due for the last voyage be paid or a certificate produced.

such ship or vessel to go out of any port, harbour, haven, creek, or other place in *Great Britain*, before the customs, and other duties, due for all the coals, culm, or cinders exported in her, the last preceding voyage she made, be fully paid and satisfied to his Majesty, or until a certificate of the payment thereof at some other port, be produced in the manner and form herein before mentioned; all and every such officer and officers, or his or their respective deputy or deputies, so acting contrary to the true intent and meaning of this act, shall, for every such offence, forfeit and lose the sum of one hundred pounds to his Majesty, his heirs and successors, to be recovered by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* at *Edinburgh* respectively; wherein no essoin, protection, wager at law, or more than one imparlance shall be allowed.

Penalty 100l.

Limitation of actions.

II. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.

General issue.

Treble costs.

Penalty on masters of ships, wherein coals, &c. shall be laden, to be carried coastwise, proceeding with the same beyond the seas.

III. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and forty nine, if any master, commander, or other person, taking charge or care of any ship or other vessel whatsoever, whereon coals, culm, and cinders shall be laden in any port, harbour, haven, creek, or other place in *Great Britain*, in order to be carried coastwise to some other port or place within the realm, or having given bond accordingly, shall proceed with his said loading of coals, culm, or cinders, to parts beyond seas, and there unlade, deliver, and dispose of the same, or any part thereof, not being compelled thereto by stress of weather, or other lawful necessity, all and every such masters, commander, or other person, taking charge or care of such ship or vessel, shall, for every such offence, forfeit and pay for every chaldron of coals, culm, or cinders so exported, unladen, delivered, and disposed of, contrary to the tenor and true meaning of this act, the sum of five shillings, over and above all duties payable to his Majesty, his heirs and successors, for or in respect of the same, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* at *Edinburgh* respectively, wherein no essoin, protection, wager of law, or more

more than one imparlance, shall be allowed; one moiety of which forfeiture shall be to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person or persons as shall inform or sue for the same.

## CAP. XXXVIII.

*An act to prevent the mischiefs which may happen by keeping too great quantities of gunpowder in any one place, or carrying too great quantities of gunpowder together from one place to another.*

WHEREAS *great quantities of gunpowder are frequently lodged in warehouses, or other edifices, within or near to cities and market towns, to the apparent danger of the lives and fortunes of many thousands of his Majesty's subjects:* therefore, for preventing the mischiefs which may happen by keeping too great quantities of gunpowder in any one place, or carrying too great quantities of gunpowder together from one place to another, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, one thousand seven hundred and forty nine, it shall not be lawful for any person or persons to have or keep gunpowder for more than the space of twenty four hours at any one time, in greater quantity than four hundred pounds weight, in any house, storehouse, warehouse, shop, cellar, or other place, in any city, or the suburbs thereof, or in any market town, or within one hundred yards distance thereof, within that part of *Great Britain* called *England*, or within two miles of any of the King's palaces, or houses of residence, or within one mile of any of the King's magazines for keeping gunpowder; nor shall it be lawful for any person or persons to have or keep, for more than the space of twenty four hours at any one time, a greater quantity than thirty hundred pounds weight of gunpowder, in any house, storehouse, warehouse, shop, cellar, or vault, or in any other place whatsoever, within that part of *Great Britain* called *England*, except as hereafter is excepted.

No person to keep for more than 24 hours, above 400 wt. of gunpowder near any city, &c.

nor above 300 wt. in any place.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and forty nine, it shall and may be lawful for any two or more justices of the peace for the county, riding, division, city, town, or place, wherein any person or persons making, dealing, or trading in gunpowder, or having gunpowder in his, her, or their keeping or possession, in any house, storehouse, warehouse, shop, cellar, or other place, shall reside, upon demand made, and a reasonable cause assigned for such demand, by any parish officer, or by any two or more householders inhabiting within any parish or place, wherein such gunpowder is so kept, to issue a warrant or warrants for searching, in the day-time, such house, storehouse, warehouse, shop, cellar, or

2 Justices on application of a parish officer, or 2 householders, to issue search warrants, &c.

or other place; and for that purpose to break open the door of such house, storehouse, warehouse, shop, cellar, or other place, if there shall be occasion; and if upon such search more than four hundred pounds weight of gunpowder shall be found in any house, storehouse, warehouse, shop, cellar, or other place, in any city, or suburbs thereof, or in any market town, or within one hundred yards distance thereof, or within two miles of any of the King's palaces, or houses of residence, or within one mile of any of the King's magazines for keeping gunpowder, or more than thirty hundred pounds weight in any other place (except as herein after is excepted) all such gunpowder exceeding the respective quantities before-mentioned, shall be seized and forfeited to any person or persons who will inform and sue for the same, by any action, bill, or information, in any of his Majesty's courts of record at *Westminster*; which courts are hereby impowered and required to give judgment in such actions, bills, or informations to be brought upon this act for the recovery of such gunpowder in specie, or for the value thereof, together with full costs, and to award effectual execution thereon; provided such suit or action be commenced within three calendar months next after such forfeiture or penalty shall be incurred, and shall be prosecuted without wilful delay; and upon such seizure it shall and may be lawful for the searchers or persons finding the same, to remove, or cause such gunpowder so seized to be removed out of the limits aforesaid, and to detain and keep the same until it shall be determined in one of his Majesty's courts of record at *Westminster*, whether the same shall be forfeited by virtue of this act; and the person or persons so seizing or detaining the same, shall not be subject or liable to any action or suit for so seizing or detaining the same, other than for any damage which such gunpowder shall or may receive during the time the same shall be so detained.

and if there shall be any greater quantity found, the same to be forfeited.

Full costs.

Limitation of actions.

Upon seizure the gunpowder may be removed, &c.

III. And for preventing mischiefs which may happen from conveying great quantities of gunpowder from one place to another, be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and forty nine, it shall not be lawful for any person or persons to convey, at any one time, in any waggon, cart, or other carriage, within that part of *Great Britain* called *England*, a greater quantity of gunpowder than twenty five hundred pounds weight; nor shall any person or persons carry or convey, at any one time, in any open barge, boat, or vessel, upon any river, within the distance of one mile from any city or market town, a greater quantity of gunpowder than fifty hundred pounds weight; and all such gunpowder, which shall be carried or conveyed in any waggon, cart, or other carriage, after the time aforesaid, shall be carried in covered carts and carriages, and the barrels in which such gunpowder is carried in waggons, carts, or carriages, barges, boats, or vessels, shall be close joined and hooped, and secured in such manner, as that no part thereof be scattered in the passage; and if any gunpowder shall be carried

Nor greater quantity than 25 C. wt to be carried at any one time in any land carriage;

no greater than 50 C. wt. in any open vessel;

and the carriages to be covered,

and the barrels close hooped.

ried or conveyed in any greater quantities respectively, or in any other manner than as before directed, all such gunpowder shall and may be seized by any person or persons, and upon due proof of the offence made before two or more justices of the peace, shall be forfeited to the use of the informer or informers.

Penalty.

IV. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and forty nine, if any person or persons, who shall be employed in any storehouse or warehouse where gunpowder is kept, or in carrying or conveying gunpowder from one place to another, shall wilfully commit any act, whereby such gunpowder may be in danger of taking fire; every person so offending, and being thereof convicted before one or more justice or justices of the peace, shall forfeit and pay to the informer, immediately upon such conviction, the sum of five shillings for every hundred pounds weight of gunpowder contained in such storehouse or warehouse, or which such person shall be employed in carrying or conveying from one place to another; and in case of nonpayment thereof, shall be committed to the publick gaol, there to remain without bail or mainprize, for any time not exceeding the space of six calendar months, as such justice or justices shall think fit.

Penalty of carelessness in persons employed where gunpowder is kept, or in conveying the same.

V. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend to any storehouse or magazine belonging to his Majesty, his heirs or successors, wherein gunpowder or other stores shall be kept, or to hinder the proving or trying gunpowder for his Majesty's officers, as is usual for the service of his Majesty, his heirs or successors, or to the carrying of gunpowder to or from any of his Majesty's magazines, or with forces on their march, or to any mills already built and used for the making of gunpowder, or to any storehouses, warehouses, or other offices near or adjoining to such mills, or to the magazines now erected for keeping gunpowder at *Barkin Creek*'s mouth, in the county of *Essex*, and *Erith Level* in the county of *Kent*, or to the magazines or warehouses now erected near *Liverpool* in the county of *Lancaster*.

Places, &c. exempted.

VI. *And whereas it may be necessary hereafter to erect warehouses for keeping gunpowder in places remote from cities and towns; but forasmuch as the person or persons, who may be desirous to erect such warehouses, may be liable to actions or disturbance on that account*, be it enacted by the authority aforesaid, That the justices of the peace for each county, riding, or division, within that part of *Great Britain* called *England*, shall, at their general quarter sessions of the peace to be holden for the said counties, ridings, or divisions respectively, upon application made to them for that purpose, appoint proper and convenient plots of ground, at the distance of two miles from any city or market town, not exceeding two acres in any one place, with the use of convenient roads leading thereto; on which plots of ground so appointed, it shall and may be lawful for any person or persons desirous so to do, to erect warehouses for keeping gunpowder in any quantity,

Quarter sessions may appoint ground for erecting warehouses for gunpowder;

first

first agreeing with the owners and proprietors of the said grounds for the same; and in case any such owner or proprietor shall refuse or neglect to agree, or by reason of any disability or impediment cannot so agree, the justices of the peace for the county, riding, division, or place where such plot of ground shall lie, shall, at their general quarter sessions, issue their warrant or warrants to the sheriff of that county, to impanel and return before them, at such times and places as shall be appointed in such warrant or warrants, a sufficient jury, who, upon their oaths (which oaths the said justices are hereby respectively impowered to administer) shall enquire into the true value of the said plot or plots of ground, with the use of convenient roads leading thereto, so to be appointed for gunpowder warehouses as aforesaid; and all such verdicts and inquisitions shall be kept with the records of the said sessions respectively, and the judgements and decrees of the said justices respectively thereupon shall be final and conclusive to all parties; and to that end, the said justices respectively shall have power to send for any person or persons interested, and to examine any parties or witnesses upon oath, as they shall think fit (all which oaths the said respective justices are hereby impowered to administer) and the sum or sums of money to be assessed and adjudged as aforesaid, not exceeding thirty years purchase, shall be paid to the respective proprietors and owners of the said ground, according to their respective interests therein, to be adjudged by the said justices respectively as aforesaid; and upon such payment, or in case of refusal to accept the same, then upon leaving the same with the respective justices, for the benefit of such owner or proprietor, the inheritance of the said plot or plots of ground, and use of the said roads leading thereto, shall be vested in the purchasers thereof, and their heirs and assigns, for the purposes aforesaid, and not otherwise; and the warehouses which shall be erected thereon, shall be built, from time to time, in such manner, as will most effectually render them safe and secure.

and in case of difference, &c. appoint a jury to settle the value of the grounds.

Sum not to exceed 30 years purchase.

VII. And it is hereby declared by the authority aforesaid, That no forfeiture or penalty shall be incurred upon account of gunpowder kept in greater quantities than thirty hundred pounds weight, within any warehouse or magazine already built for that purpose, unless the justices of the peace of the county or place wherein such warehouse is built, at their quarter sessions, shall, upon complaint thereof made by any two or more of the inhabitants of or near that place, adjudge the same to be dangerous and unsafe, and until the expiration of six calendar months next after such adjudication; and provided such warehouse or magazine be not situate in any city, or the suburbs thereof, or in any market town, or within one hundred yards distance thereof, or within two miles of any of his Majesty's palaces or houses of residence, or within one mile of any magazine belonging to his Majesty for the keeping gunpowder.

No penalty for keeping 30 C. Wt. in warehouses already built, unless the same shall be deemed dangerous, &c.

VIII. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced or prosecuted against

General issue.

against any person or persons for any thing done in pursuance of this act, in every such case such person or persons shall and may plead the general issue, and give this act, or the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action or actions after issue joined, or if upon demurrer, or otherwise, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases by law. Treble costs.

IX. Provided always, and be it enacted, That all suits, actions, and prosecutions, to be brought, commenced, or prosecuted against any person or persons for any thing done, or to be done, in pursuance, or by the authority of this act, shall be laid or tried in the county or place where the fact was committed, and shall be commenced or prosecuted within six calendar months next after the fact committed, and not otherwise. Limitation of actions.

X. Provided always, That nothing in this act contained shall extend, or be construed to extend, to repeal, take away, or alter any of the clauses, powers, or provisions contained in two acts of parliament, the one made in the fifth year of the reign of his late majesty King *George* the First, intituled, *An act for preventing the mischiefs which may happen by keeping too great quantities of gunpowder in or near the cities of* London *and* Westminster, *or the suburbs thereof*; and the other made in the eleventh year of his said late Majesty's reign, intituled, *An act for making more effectual an act passed in the fifth year of his Majesty's reign, intituled*, An act for preventing the mischiefs which may happen by keeping too great quantities of gunpowder in or near the cities of *London* or *Westminster*, or the suburbs thereof. This act not to invalidate 5 Geo. 1. c. 26. 11 Geo. 1. c. 23.

## CAP. XXXIX.

An act for enlarging the powers granted by an act passed in the sixteenth year of the reign of his present Majesty, for repairing the road from Boroughbridge, in the county of York, to Catherick in the same county, and from thence to Peirsebridge, on the river Tees.

*The act 16 Geo. 2. c. 7. continued for 21 years.*

## CAP. XL.

*An act for enlarging and maintaining the harbour of* Ramsgate, *and for cleansing, amending, and preserving the haven of* Sandwich,

WHEREAS *frequent losses of the lives and properties of his Majesty's subjects happen in the* Downs, *for want of a harbour between the north and south forelands, the greatest part of the ships employed in the trade of this nation being under a necessity at going out upon, as well as returning from their voyages, to pass through the* Downs, *and frequently by contrary winds being detained there a long time, during which they (especially the outward-bound ships)*

*ships) are exposed to violent storms, and dangerous gales of wind, without having any sufficient harbour to lie in, or retreat into, or from whence they can receive any assistance: and whereas a harbour may be made at the town of* Ramsgate, *proper and convenient for the reception of ships, of and under three hundred tons burthen, and from whence larger ships in distress in the* Downs *may be supplied with pilots, anchors, cables, and other assistance and necessaries; and by the smaller ships taking shelter in this harbour, the larger ships may take the anchorage, which at present is occupied by the smaller, and by that means their anchors will be fixed in more holding ground, and the ships not be so exposed to the ocean:* for carrying therefore a work of such publick utility into execution, and that the said harbour may be enlarged, constructed, finished, and maintained in such a manner, as to be rendered of service to the trade and navigation of this nation; may it please your most excellent Majesty, that it may be enacted, *&c.*

The trustees are to settle the duties; viz. not exceeding 6 d. per ton, to be paid by every vessel of 20 tons and not exceeding 300 tons, coming into the harbour; and on every ship which shall exceed 300 tons, not exceeding 2 d. for each ton (except ships laden with coals, or stones) and on every chalder of coals, or ton of stones, not exceeding 3 d. Duties to be published in the London Gazette. No vessel to be cleared till information on oath of her burthen. Merchants to make an allowance of the duty to the masters. Collector to keep the accounts of the monies received Copies of which to be transmitted to the receiver-general; and also of receipts and disbursements, &c. No coasting vessel to pay but once a year. Trustees to agree with workmen for building, &c. the harbour; impowered to purchase buildings, &c. In case of refusal to treat, trustees may settle the damages, upon oath of a jury. Sheriff to summon the jury. 20 days notice to be given to the parties interested, of their meeting. Trustees may borrow money at 5 l. per cent. interest. Or by granting annuities at 8 l. 10 s. per cent. Rates not liable to pay interest for more than 50,000 l. at one time. Annuities to be free from taxes. Trustees to meet once in every year, and to give notice in the London Gazette, &c. and publish the rates for the succeeding year, &c. After determination of annuities rates shall cease. Trustees to appoint proper officers. Trustees to meet once in every year at Guildhall, and to state the accounts, &c. Accounts of collectors to be laid before the lord mayor, &c. who may examine the same, and impose fines on persons making concealment or imbezzlements. In default of payment persons to be committed. Accounts when allowed, to be transmitted to the commissioners of the navy. No person shall empty any ballast, &c. in the harbour, on pain of 40 s. Ships not to sail into the bason, penalty 10 l. Trustees impowered to remove ships out of the bason. On death, &c. of trustees, others to be chosen. Trustees shall settle the demands to be taken for wharfs, &c. by their tenants and lessees All former duties to cease. Ship bound to or from Sandwich, being the property of the inhabitants, not liable to the rates. 200 l. per ann. to be paid out of the rates to the mayor, &c. of Sandwich. Application of the money for repairing their harbour. 10 l. penalty of throwing ballast or rubbish into the river, or fixing piles within the channel without licence. No more than 2 ships to lie abreast, longer than one tide. The trustees impowered to apply 10,000 l. for erecting such works as they shall judge necessary at the haven of Sandwich. Judgements to be final, without appeal. Vessels belonging to Dover exempted from duties. Vessels belonging to Weymouth and Melcombe Regis, and Lyme Regis, exempted. Vessels belonging to Great Yarmouth exempted.

CAP.

## CAP. XLI.

An act for rectifying mistakes in the names of several of the commissioners appointed to put in execution the act for granting a land tax for the year one thousand seven hundred and forty eight, and for appointing other commissioners, together with those named in the said act, to put in execution an act for granting a land tax for the year one thousand seven hundred and forty nine, and for directing the names of collectors of the said tax to be certified to the receivers general; and for the relief of the borough of Honiton as to arrears of the land tax, and the house and window taxes for the years one thousand seven hundred and forty seven, and one thousand seven hundred and forty eight. EXP.

## CAP. XLII.

*An act for granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty nine; and for enabling his Majesty to raise a further sum of one million for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament; and for applying a certain sum for defraying certain charges and allowances to the officers and private gentlemen of the reduced troops of horse guards; and for continuing the bounties on the exportation of* British *and* Irish *linens; and for making forth duplicates of exchequer bills, lottery tickets, receipts, annuity orders, or other orders lost, burnt, or otherwise destroyed.*

*Most gracious Sovereign,*

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, being desirous to raise the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and forty nine, in the easiest manner we are able, for the benefit of your Majesty's subjects, and also to use such ways and means therein as that your Majesty may have the better and more speedy effect of the said supplies, have resolved to give and grant unto your Majesty the sum of one million, out of the surpluses, excesses, and overplus monies, commonly called *The sinking fund:* and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as now are, or shall from time to time be and remain in the receipt of the exchequer, of the said surpluses, excesses, or overplus monies, commonly called *The sinking fund* (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued,

One million granted out of the sinking fund, towards the supply.

ed, and applied, a sum not exceeding the said sum of one million, for and towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and forty nine; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

Clause of loan at 4l. per cent.

II. And it is hereby enacted by the authority aforesaid, That in case the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think it adviseable to raise the said sum of one million, or any part thereof, by loans or exchequer bills, in manner herein after mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of one million, upon the credit of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding four pounds *per centum per annum*, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover that no money so to be lent upon the security of this act shall be rated or assessed to any tax or assessment whatsoever.

Tallies and orders for repayment,

III. And be it further enacted, That all and every person and persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the said rate of four pounds *per centum per annum*, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent shall be registred in course according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, or overplus monies; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid,

to carry 4l. per cent. interest.

Orders to be register'd, and paid in course.

paid, and so successively and in course; and that the monies to come in, of or for the said surplusses, excesses, or overplus monies, commonly called *The sinking fund*, as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than such uses or purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid;) and that no fee, reward, or gratuity directly or indirectly shall be demanded or taken of any of his Majesty's subjects for providing or making of any such books or registers, or any entries, views, or searches in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt with full costs of suit to the party grieved, and shall be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his office or place; and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon such orders, according to each person's due place and order as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint shall be in any wise granted or allowed.

No fee for registering, &c.

Penalty.

Penalties how to be recovered.

IV. Provided always, and it is declared, That if it shall happen that several tallies of loan or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those be entered first, so as he enters them all the same day.

No undue preference, where tallies are brought the same day.

V. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do

Nor if subsequent orders be paid before such as were

not demanded.

do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Orders assignable.

VI. And be it further enacted, That all and every person and persons to whom any money shall be due for loans to be registred by virtue of this act, after order entered in the book of registry as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign or transfer his, her, and their right, title, interest, and benefit of such order, or any part thereof to any other; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders (which the officers shall upon request without fee or charge accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, or assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

No fee for entry.

The assignment not to be voided.

VII. And to the end there may be no want or failure of a certain sum not to exceed in the whole the said sum of one million, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means for the publick service; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more adviseable to raise the said sum of one million, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made at the exchequer, any number of new exchequer bills, for any sum or sums of money not exceeding in the whole the said sum of one million, together with such loans as aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of parliament (for continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty nine) are enacted and prescribed, concerning the exchequer bills to be made in pursuance of the said act.

Treasury may make new exchequer bills for raising the said one million, &c.

To be subject to the regulations in 22 Geo. 2. relat.

VIII. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the

the said last-mentioned act relating to the loans or exchequer bills authorized to be made by the same act, except such clauses as do charge the same on the rates or duties, granted by the same act, shall be applied and extended to the exchequer bills to be made in pursuance of this act, as fully and effectually to all intents and purposes as if the said exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisoes had been particularly repeated or re-enacted in the body of this present act.

ing to the malt duty.

IX. And be it enacted by the authority aforesaid, That all the exchequer bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the growing produce of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

Exchequer bills, &c. to be repaid out of the sinking fund.

X. And towards enabling your Majesty to discharge the great debts contracted by the late war, and raising the supplies granted to your Majesty in this session of parliament, your said dutiful and loyal commons have also freely given and granted unto your Majesty the further sum of one million, to be raised in manner herein after mentioned; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the King's most excellent majesty, by warrant or warrants under his royal sign manual, to authorize and impower the commissioners of his Majesty's treasury now or for the time being, or any three or more of them, or the lord high treasurer for the time being, at any time or times before the twenty fifth day of *December*, one thousand seven hundred and forty nine, to cause or direct any loans to be taken or received at his Majesty's exchequer, from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there, for any sum or sums of money, not exceeding in loans and exchequer bills, together in the whole, the said sum of one million, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by the before-mentioned act of this present session of parliament, for continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty nine, are enacted and prescribed concerning the

His Majesty impowered to borrow one million on exchequer bills.

loans or exchequer bills to be taken or made in pursuance of the said act.

The exchequer bills to be subject to the regulations contained in the malt act.

XI. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act, relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the rates and duties granted by the same act) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been originally authorized by the said last-mentioned act, or as if the said several clauses or provisoes had been particularly repeated and re-enacted in the body of this act.

Exchequer bills to carry 4 per cent. interest, and to be charged on the first supplies, granted after 29 Sept. 1749, &c.

XII. And be it further enacted by the authority aforesaid, That all such loans or exchequer bills, not exceeding one million as aforesaid, as shall be taken in or made forth in pursuance of this act, may respectively be made to bear or carry an interest, *præmium*, or rate, not exceeding four pounds *per centum per annum*, and all such loans or exchequer bills, together with the interest, *præmium*, rate, and charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the first aids or supplies which shall be granted in parliament, next after the twenty ninth day of *September*, one thousand seven hundred and forty nine; and in case sufficient aids or supplies for that purpose shall not be granted before the twenty fourth day of *June*, one thousand seven hundred and fifty, then all and every the said loans or exchequer bills, with the interest, *præmium*, rate, and charges incident to or attending the same, shall be, and are hereby charged and chargeable upon such monies, as at any time or times, at or after the said twenty fourth day of *June*, one thousand seven hundred and fifty, shall be or remain in the receipt of the exchequer of the said surplusses, excesses, or overplus monies, commonly called *The sinking fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such loans or exchequer bills, interest, *præmium*, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

or on the sinking fund.

Sinking fund to be replaced.

XIII. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses or overplus monies, commonly called *The sinking fund*, shall from time to time be replaced by and out of the first supplies to be then after granted in parliament, any thing herein contained to the contrary notwithstanding.

XIV. Pro-

XIV. Provided always, and be it enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, (intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty nine*;) and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in* Great Britain, *for the service of the year one thousand seven hundred and forty nine*;) and so much money, if any such be, of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereupon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and the sum of one million by this act granted, shall be further appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein after expressed (that is to say)

Monies of the malt act, &c.

and land tax, &c.

applied.

XV. It is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million one hundred sixty nine thousand eight hundred seventy eight pounds, and eight pence, for or towards the naval services herein after more particularly expressed; that is to say, for or towards defraying the charges of the ordinary of his Majesty's navy, and for half-pay to sea-officers; and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed; for the year one thousand seven hundred and forty nine.

Out of the aids to be paid;

1,169,878l. 8d. towards naval services.

XVI. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, upon account, towards the support of the royal hospital at *Greenwich*, for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country; and any sum or sums of money, not exceeding one million, towards discharging seamens wages and other payments due on the debt of the navy on the thirty first of *December*, one thousand seven hundred and forty eight, not already provided for.

10,000l. to Greenwich hospital.

1,000,000l. towards seamen's wages, and other debts of the navy.

177,147 l. 15 s. 10 d. towards the office of ordnance.

XVII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one hundred seventy seven thousand one hundred forty seven pounds, fifteen shillings, and ten pence, for or towards defraying the charge of the office of ordnance for land service, for the year one thousand seven hundred and forty nine, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

1,730,477 l. 8 s. 4 d. to the land forces;

XVIII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million seven hundred and thirty thousand four hundred seventy seven pounds, eight shillings, and four pence, for and towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; (that is to say) any sum or sums of money, not exceeding six hundred twelve thousand two hundred and thirty pounds, four shillings, and seven pence, for defraying the charge of the eighteen thousand eight hundred and fifty seven effective men, including commission and non-commission officers, and one thousand eight hundred and fifteen invalids, for guards, garrisons, and other his Majesty's land forces in *Great Britain*, *Guernsey*, and *Jersey*, for the service of the year one thousand seven hundred and forty nine; and any sum or sums of money, not exceeding two hundred eighteen thousand eight hundred sixty four pounds one shilling, and five pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons at *Annapolis Royal*, *Placentia*, *Gibraltar*, and *Providence*, for the year one thousand seven hundred and forty nine; and any sum or sums of money, not exceeding one hundred and eleven thousand six hundred and twelve pounds, three shillings, and four pence, for defraying the charge of his Majesty's forces in the island of *Cape Breton*, and of the twelve independent companies of foot in the *East Indies*, for the year one thousand seven hundred and forty nine; and any sum or sums of money not exceeding thirty thousand seventy eight pounds, two shillings, and six pence, to make good his Majesty's engagements with the King of *Sweden*, as *Landgrave* of *Hesse Cassell*, pursuant to treaty; and any sum or sums of money, not exceeding thirty thousand five hundred forty eight pounds, fourteen shillings, and six pence, to make good his Majesty's engagements with his most serene highness the duke of *Brunswick Wolfenbuttle*, pursuant to treaty; and any sum or sums of money, not exceeding one hundred thousand pounds, to be paid over to the empress Queen of *Hungary*, to answer the like sum claimed by her imperial Majesty, as an arrear of the sum of four hundred thousand pounds, mentioned in the convention concluded at the *Hague*, the twenty sixth day of *January*, one thousand seven hundred and forty eight; and any sum or sums of money, not exceeding eight thousand six hun-

of which 612,230 l. 4 s. 7 d. for guards and garrisons, &c in Great Britain, &c.

218,864 l. 18 s. 5 d. 2 q. for the plantations, &c.

111,612 l. 3 s. 4 d. for Cape Breton and the East Indies.

30,078 l. 2 s. 6 d. to the King of Sweden;

30,548 l. 14 s. 6 d. to the duke of Brunswick Wolfenbuttle;

100,000 l. to the Queen of Hungary.

hundred and twenty pounds, to make good his Majesty's engagements with the elector of *Mentz*, pursuant to treaty; and any sum or sums of money, not exceeding forty four thousand seven hundred forty four pounds, six shillings, and three pence, to make good his Majesty's engagements with the elector of *Bavaria*, pursuant to treaty; and any sum or sums of money, not exceeding sixteen thousand pounds, for the pay of the general, and staff officers, for the year one thousand seven hundred and forty nine; and any sum or sums of money, not exceeding four hundred eighteen thousand one hundred twenty eight pounds, eighteen shillings, and ten pence, for defraying the extraordinary expences of his Majesty's land forces in *Flanders*, in *North Britain*, and *America*, and of other services, incurred in the year one thousand seven hundred and forty eight, and not provided for by parliament; and any sum or sums of money, not exceeding sixty three thousand two hundred seventy four pounds, six shillings, and three pence, upon account for out-pensioners of *Chelsea Hospital*, for the year one thousand seven hundred and forty nine; and any sum or sums of money, not exceeding five thousand two hundred eighty one pounds, sixteen shillings, and eight pence, for defraying the charge for allowances to several officers and private gentlemen of the two troops of horse guards, and regiment of horse, lately disbanded, for the year one thousand seven hundred and forty nine; and any sum or sums of money not exceeding sixty seven thousand two hundred twenty six pounds, eighteen shillings, and four pence, upon account of reduced officers of his majesty's land-forces and marines, for the year one thousand seven hundred and forty nine, subject to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same; and any sum or sums of money, not exceeding three thousand eight hundred sixty seven pounds, fifteen shillings, and seven pence halfpenny for paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and forty nine; which said sum of three thousand eight hundred sixty seven pounds, fifteen shillings, and seven pence halfpenny, shall be issued to such person or persons, as his Majesty shall, by warrant or warrants under his Majesty's royal sign manual, direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, and other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint.

8,620l. to the elector of Mentz.
44,744l. 6s. 3d. to the elector of Bavaria.
16,000l. for general and staff officers;
418,128l. 18s. 10d. for the forces in Flanders, &c.
63,274l. 6s. 3d. to out-pensioners of Chelsea Hospital;
5,281l. 16s. 8d. to the 2 troops of horse guards, and regiment of horse disbanded;
67,226l. 18s. 4d. to the reduced officers;
3,867 l. 15 s. 7 d. 2 q. to the pensions of reduced officers widows, &c.

XIX. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money,

40,000l. to Nova Scotia.

not exceeding forty thousand pounds, upon account, towards the charge of transporting to his Majesty's colony of *Nova Scotia*, and supporting and maintaining there for a certain time after their arrival, such reduced officers and private men lately dismissed his Majesty's land and sea service, and others his Majesty's subjects, as shall be willing to settle in the said colony, under such regulations as his Majesty shall judge proper.

12,000 l. for the bridge at Westminster.

XX. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and paid to the commissioners for building a bridge cross the river *Thames*, from the city of *Westminster* to the opposite shore, in the county of *Surrey*, or any seven or more of them, or to such person or persons as shall be appointed under the hands and seals of the said commissioners, or any seven or more of them, to receive the same, the sum of twelve thousand pounds, without account, other than is directed for other monies raised by virtue of several former acts of parliament, passed during the reign of his present Majesty, for building the said bridge, to be applied to finish the said bridge, and to enable the said commissioners to perform the other trusts reposed in them.

10,000 l. to reimburse the city of Glasgow, sums extorted by the rebels.

XXI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, to reimburse the magistrates and town council of the city of *Glasgow*, the sums extorted from them by the rebels, upon account of their loyalty, during the late unnatural rebellion, for the raising of which the said magistrates and town council were obliged to grant their bonds; and any sum or sums of money, not exceeding five thousand three hundred and four pounds, three shillings and four pence, for the further settling and improving the colony of *Georgia* in *America*, for the year one thousand seven hundred and forty nine.

5,304 l. 3 s. 4 d. for Georgia.

10,000 l. towards supporting the trade to Africa.

XXII. And be it further enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, it shall and may be lawful for his Majesty to issue and apply any sum or sums of money, not exceeding ten thousand pounds, towards the support of the trade to *Africa*, in such manner as his Majesty shall judge proper.

7,180 l. 5 s. 8 d. to make good the deficiency of the stamp duties.

XXIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding seven thousand one hundred eighty pounds, five shillings, and eight pence, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Christmas*, one thousand seven hundred and forty seven; and any sum or sums of money not exceeding thirteen thousand eight hundred twenty seven pounds, twelve shillings, and six pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty of twelve shillings a barrel on sweets, or wines made from *British* or foreign fruits or sugar, at *Michael-*

23,827 l. 12 s. 6 d. deficiency of the duties on sweets.

*mas*

*mas*, one thousand seven hundred and forty eight; and any sum or sums of money, not exceeding thirty five thousand pounds, to replace to the said sinking fund the like sum paid out of the same, to answer one year's interest, due at *Michaelmas*, one thousand seven hundred and forty eight, after the rate of three pounds ten shillings *per centum per annum*, on the principal sum of one million lent on credit of the salt duties, which were continued for six years, from *Lady-day*, one thousand seven hundred and fifty three, towards the supply for the year one thousand seven hundred and forty five; and any sum or sums of money, not exceeding fifteen thousand two hundred ninety seven pounds, eleven shillings, and five pence halfpenny, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the additional duties on wines at *Midsummer*, one thousand seven hundred and forty eight; and any sum or sums of money, not exceeding one thousand four hundred sixty two pounds, six shillings, and ten pence, for making good the deficiency of the said additional duties on wines at *Christmas*, one thousand seven hundred and forty eight; and any sum or sums of money not exceeding nine thousand three hundred and eight pounds, seven shillings, and four pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty on licences for retailing of spirituous liquors, at *Lady-day*, one thousand seven hundred and forty eight; and any sum or sums of money, not exceeding thirty three thousand eight hundred and four pounds, thirteen shillings, and one penny halfpenny, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duties on glass and spirituous liquors, at *Midsummer*, one thousand seven hundred and forty eight; and any sum or sums of money, not exceeding forty one thousand eight hundred twenty two pounds, ten shillings, and five pence for making good the deficiency at *Christmas*, one thousand seven hundred and forty eight, of the said duties on glass and spirituous liquors; and any sum or sums of money, not exceeding twenty eight thousand two hundred sixty eight pounds, fifteen shillings, and five pence three farthings, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the new duties on houses, windows, and lights at *Michaelmas*, one thousand seven hundred and forty eight, and any sum or sums of money, not exceeding thirty one thousand and sixty pounds, sixteen shillings, and one halfpenny, to make good the deficiency of the said new duties on houses, windows, and lights at *Lady-day*, one thousand seven hundred and forty nine: and any sum or sums of money, not exceeding four hundred seventy thousand one hundred eighty six pounds, nine shillings, and six pence farthing to make good the deficiency of the grants for the service of the year one thousand seven hundred and forty eight.

35,000 l. for interest on the salt duties.

15,297 l. 11 s. 5 d. 2q. to make good the additional duties on wines at Midsummer, 1748;

1,462 l. 6 s. 10d. deficiency at Christmas, 1748;

9,308 l. 7 s. 4d. deficiency of the duty on licences for retailing spirituous liquors.

33,804 l. 13 s. 1d. 2q. deficiency of the duties on glass and spirituous liquors at Midsummer. 1748;

41,822 l. 10s. 5d. deficiency at Christmas, 1748;

28,268 l. 15s. 5d. 3q. deficiency of the duties on houses, &c. at Michaelmas, 1748.

and 31,060 l. 16s. 2q. deficiency at Lady-day, 1749;

470,186 l. 9s. 6d. 1q. deficiency of the grants for 1748;

XXIV. And be it further enacted by the authority aforesaid, That the said aids or supplies provided as aforesaid shall not be issued

The supplies to be applied only as this act directs.

issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

Rules to be observed in the application of the sum of 67,226 l. 18 s 4 d. appropriated on account of half-pay.

XXV. And as to the said sum of sixty seven thousand two hundred twenty six pounds, eighteen shillings, and four pence, by this act appropriated on account of half-pay, as aforesaid; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain* or *Ireland*, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

21 Geo. 2. c. 13.

XXVI. *And whereas by an act of parliament made in the twenty first year of his Majesty's reign, (intituled,* An act for granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty eight; and for applying a sum of money remaining in the exchequer, arisen by the rates and duties on houses, which determined at *Lady-day*, one thousand seven hundred and forty seven; and for the further appropriating the supplies granted in this session of parliament; and for applying a certain sum of money for defraying the charge of the allowances for the year one thousand seven hundred and forty eight, to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse, lately reduced, *several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money, not exceeding twenty seven thousand two hundred twenty four pounds, and six shillings, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf*; now it is

is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of twenty seven thousand two hundred twenty four pounds, and six shillings, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others, as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act to the contrary notwithstanding.

Application of the surplus of last year's half-pay, to the commpassionate list.

XXVII. And it is hereby likewise enacted, That out of the monies or savings arising from the money granted by parliament, for the relief and provision of the widows of officers, who have been killed or died in the service, there shall and may be issued and applied, by any warrant or warrants of his Majesty, under his royal sign manual, any sum or sums of money, not exceeding six thousand thirty nine pounds, ten shillings, and eight pence, for defraying the charge of the off-reckonings, belonging to the late third and fourth troops of horse guards reduced, and allowances to private gentlemen of the said troops, on their retiring from the service, for the year one thousand seven hundred and forty nine.

6,039l. 10s. 8d. out of the allowance for the widows of officers, to defray the off-reckonings to the 3d and 4th troops of horse guards, reduced.

XXVIII. And be it further enacted by the authority aforesaid, That the bounties on the exportation of *British* and *Irish* coarse linens shall continue to be paid in the like manner, and under the like regulations as directed by the acts of the fifteenth and sixteenth, and of the eighteenth years of his Majesty's reign, from and after the twenty fifth day of *March*, one thousand seven hundred and fifty, for and during the further term of three years, and from thence to the end of the then next session of parliament and that the same be paid out of such part of the old subsidies, as is applicable to the payment of incidents, and that an account of such bounties, together with the quantity of *British* and *Irish* coarse linens intitled to the same respectively, be laid before the house of commons every session of parliament, in order to the replacing the same out of the next aids to be granted in parliament.

Bounties on the exportation of British and Irish linens continued for 3 years.

An account thereof to be laid before the parliament yearly.

Upon affidavit made of exchequer bills, tickets, certificates, receipts, annuity orders, &c. being lost, or otherwise destroyed, before 1 August, 1749, &c. the respective officers are to make out duplicates thereof, and so discharge the same. Commissioners of the treasury impowered to sign the duplicates. Exp.

## CAP. XLIII.

An act for the further enlarging the term and powers granted and continued by two acts of parliament, the one passed in the twelfth year of the reign of her late majesty Queen Anne, and the other in the twelfth year of the reign of his late majesty King George the First, for repairing the roads from the city of Worcester, through the borough of Droitwich,

wich, to Dyers Bridge near Bromsgrove, in the county of Worcester, and also for repairing the roads from Dyer's Bridge, through the town of Bromsgrove to Spadesbourn Bridge, and from Droitwich to Bradley Brook, in the same county.

*The acts* 12 Ann. *and* 12 Geo. 1. c. 20. *continued for* 21 *years.*

## CAP. XLIV.

*An act to enable such officers, mariners, and soldiers, as have been in his Majesty's service since his accession to the throne, to exercise trades.*

WHEREAS *there hath been and are divers officers, mariners, and soldiers who have served his Majesty in the late wars by sea or land, some of which, are men that used trades, others that were apprentices to trades who had not served out their times, and others, who by their own industry have made themselves apt and fit for trades: many of which, the wars being now ended, would willingly employ themselves in those trades which they were formerly accustomed to, or which they are apt or able to follow and make use of, for the getting their living by their own labour, but are or may be hindered from exercising those trades in certain cities and corporations, and other places within this kingdom, because of certain by-laws and customs of those places, and of the statute made in the fifth year of Queen* Elizabeth, *prohibiting the use of certain trades by any person who hath not served as an apprentice to such trade for the space of seven years:* for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all such officers, mariners, and soldiers, who have been at any time employed in his Majesty's service since his accession to the throne, and have not since deserted the said service, may set up and exercise such trades as they are apt and able for in any town or place within the kingdoms of *Great Britain*, and *Ireland*, without any lett, suit, or molestation of any person or persons whatsoever, for or by reason of the using of such trade; and if any such officer or officers, mariner or mariners, soldier or soldiers, who shall be sued, impleaded, or indicted in any court whatsoever, within this kingdom, for using or exercising any such trades as aforesaid, then the said officer or officers, mariner or mariners, soldier or soldiers, making it appear to the same court, where they are so sued, impleaded, or indicted, that they have served the King's majesty as aforesaid, shall upon the general issue pleaded, be found not guilty in any plaint, bill, information, or indictment exhibited against them, and such persons who notwithstanding this act, shall prosecute their said suit by bill, plaint, information, or indictment, and shall have a verdict pass against them, or become nonsuit therein, or discontinue their said suit, such person or persons shall pay unto such officer or officers, mariner or mariners, soldier or soldiers, double costs of suit, to be recovered as any other costs at common law may be recovered; and all judges and jurors, before whom any such suit, in-

Officers, mariners, and soldiers impowered to exercise trades;

and being sued, may plead the general issue.

and have double costs.

for-

formation, or indictment shall be brought, and all other persons whatsoever, are to take notice of this present act, and shall conform themselves thereunto, any statute, law, ordinance, custom, or provision to the contrary in any wise notwithstanding.

II. Provided always, That this act shall not in any wise be prejudicial to the privileges of the universities of *Cambridge* and *Oxford*, or either of them, or extend to give liberty to any person to set up the trade of a vintner, or to sell any wine or other liquors within the said universities, without licence first had and obtained from the vice chancellors of the same respectively.

Privileges of the universities of Cambridge and Oxford reserved to them.

## CAP. XLV.

*An act for the further encouragement and enlargement of the whale fishery, and for continuing such laws as are therein mentioned relating thereto; and for the naturalization of such foreign protestants, as shall serve for the time therein mentioned, on board such ships as shall be fitted out for the said fishery.*

WHEREAS *divers acts of parliament have been made for the encouragement of his Majesty's subjects, to carry on and improve the whale fishery, and that the enlargement of the said fishery will be of great advantage to the trade and navigation of this kingdom:* for the further encouragement to carry on the said trade, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the fifth year of his present Majesty's reign, intituled, *An act for encouraging the* Greenland *fishery*; which was to be in force for nine years, from the twenty fifth day of *December*, one thousand seven hundred and thirty one; and which act was, by an act of parliament made in the thirteenth year of his present Majesty's reign, intituled, *An act for continuing the several laws therein mentioned, relating to the premiums, upon the importation of masts, yards, and bowsprits, tar, pitch, and turpentine; to* British *made sail cloth, and the duties payable on foreign sail cloth; to the* Greenland *and to the whale fishery; and for granting a further bounty for all ships employed in the whale fishery during the present war; for exempting harpooneers and others employed in the* Greenland *fishery trade from being impressed; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices,* continued unto the twenty fifth day of *December*, one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the time in the said last-mentioned act mentioned, and therein limited for the expiration thereof, unto the twenty fifth day of *December*, which shall be in the year one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

5 Geo. 2. c. 28.

13 Geo. 2. c. 28.

further continued unto 25 December, 1757.

II. And be it further enacted by the authority aforesaid, That

Act 6 Geo. 2. c. 33. further continued to 25 December, 1757.

*Further continued by* 27 Geo. 2. c. 28.

an act made in the sixth year of his Majesty's reign, intituled, *An act for the further encouragement of the whale fishery, carried on by his Majesty's* British *subjects*; which was to be in force during the continuance of the last-mentioned act of the fifth year of his Majesty's reign, intituled, *An act for encouraging the* Greenland *fishery*; and which was, by the said act of the thirteenth year of his present Majesty, continued unto the said twenty fifth day of *December*, one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby continued, from the time therein limited for the expiration thereof, unto the said twenty fifth day of *December*, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

Commissioners of the customs upon certificate, &c. from the collector, to pay the second 20s. tonnage bounties granted by parliament.

III. And be it further enacted by the authority aforesaid, That over and above the allowance of twenty shillings a ton, according to the admeasurement of the ship, by the said last-mentioned act directed to be paid, it shall and may be lawful for the respective commissioners of the customs in *Great Britain*, from the twenty ninth day of *September*, one thousand seven hundred and forty nine, and until the said twenty fifth day of *December*, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament, (upon having such schedule, certificate, licence, and oath transmitted to them by the collector and comptroller of the port from whence such ship shall depart, as by the said last-mentioned act is directed, and upon such commissioners being satisfied of the faithful dealings of the master and other persons employed in such ship, with respect to such voyage and fishery) on demand, to cause payment to be made to the master or owners, or to his or their assigns by the receiver general of the customs in that part of *Great Britain* from whence such ship shall depart, of the sum of twenty shillings a ton, according to the admeasurement of the ship, over and above the sum of twenty shillings a ton, by the last-mentioned act granted for the encouragement of the whale fishery in the *Greenland Seas*, or *Davis's Streights*, and the adjacent seas, carried on by his Majesty's *British* subjects, in such manner, and at such time or times, as the said allowance of twenty shillings a ton by the said last-mentioned act, made in the sixth year of his present Majesty's reign, intituled, *An act for the further encouragement of the whale fishery carried on by his Majesty's* British *subjects*, is directed to be paid.

6 Geo. 2. c. 33.

IV. *And whereas the dispatch of ships to the* Greenland Seas, Davis's Streights, *and seas adjacent, on the whale fishery, must of necessity be within the months of* March *or* April, *and some* British *ships for the sake of keeping the men that have been taught the art of the said fishery in employ, and to prevent their going into foreign service, may have been fitted out from the river of* Thames, *or other parts of his Majesty's* British *dominions, and proceeded on the said whale fishery to the* Greenland Seas, *or* Davis's Streights, *and seas adjacent,*

*adjacent, since the commencement of this session of parliament; and it will therefore be but just and reasonable, that the bounties intended to be given on the return of ships hereafter to be fitted out on such voyage should be given also to the owners of such ships already sailed upon such voyage, and not yet returned*; be it therefore enacted by the authority aforesaid, That every owner or owners of any ship or ships already sailed on the said voyage and fishery respectively, who have conformed themselves in all respects to the rules and directions prescribed by the said last-mentioned act of the sixth year of his present Majesty, such owner and owners shall, and they are hereby declared to be intitled to, and the receiver general of the customs, in that part of *Great Britain* whence the ship departed, is hereby impowered and required to pay the said respective sums of twenty shillings, and twenty shillings *per* ton according to the admeasurement of such ship or ships respectively.

Ships that have already sailed intitled to the said bounty.

V. And be it further enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, one thousand seven hundred and forty nine, every ship built or fitted out in any of his Majesty's dominions in *America*, of two hundred tons and upwards, and not being more than two years old from the first building thereof, that proceeds from any port in his Majesty's *American* dominions on the said whale fishery, manned and navigated as by the laws now in force is directed, which shall before she proceed on such voyage, be visited by the proper officer or officers of the customs belonging to such port, who shall take an account of the tonnage thereof, in such manner as is directed by the said last mentioned act concerning *British* ships who should be intitled to the benefits of the said act, and shall certify such his or their visitation, examination, and admeasurement, to the governor or commander in chief of the place where such ship shall be fitted out, or to the naval officer of such port; and if it appear by the said certificate of such officer or officers, that she had, at the time of giving such certificate, on board such a number of men, provisions, boats, fishing lines, and instruments to be used in such fishery, as is required by the said last mentioned act of *British* ships which should be intitled to the benefit of the said act, and that she is a ship strongly built, and otherwise a ship proper for such voyage and fishery, and had, at the time of granting the said certificate, on board among her crew such a number of harpooneers, steersmen, and line-managers, who had before been employed in such voyages (the names of such persons to be contained in such certificate) according to the directions of the said last mentioned act concerning *British* ships to be employed in the said fishery; and if the owner or owners, and master or chief officer of such ship shall, in writing, at the foot of such certificate, make such oath before the governor, commander in chief, or naval officer (who are hereby impowered and required to administer such oath) as is required by the said last mentioned act of the owner or owners, and master or chief officer of such *British* ship as aforesaid, and likewise that such ship is not more than

Vessels fitted out in America, to be licensed to proceed on the whale fishery.

than two years old from the first building thereof; and if the master shall likewise, after such certificate had, and oath made, become bound with such sureties, in such penalty and condition as is mentioned in, and required by the said last mentioned act to be given by the masters of such *British* ships as aforesaid, which said bond is required to be taken by the governor or commander in chief, or naval officer of such place from whence the said ship is so fitted out; then, and in all such cases, it shall and may be lawful for the said governor, or commander in chief, or naval officer, and they are hereby required to give and grant to the master and owners of such ship full licence and authority to proceed on such voyage.

On arrival of such vessels in Great Britain, the proper officers to grant certificates,

VI. And be it further enacted by the authority aforesaid, That on the arrival of such ship at the port in *Great Britain*, to which the said master and mate declared on oath they intended to proceed after their intended voyage to the *Greenland Seas*, or to *Davis's Streights*, or to the seas adjacent, or on their arrival at some other port of *Great Britain* where they shall unload, the proper officers of the customs of such port shall proceed in such manner, and make such schedule, as is directed by the said last-mentioned act concerning *British* ships who were to be intitled to the benefits of the said act; and such schedule, certificate, licence, and oath shall be transmitted to the respective commissioners of his Majesty's customs for that part of *Great Britain* in which such ship shall arrive after her said voyage to the *Greenland Seas*, or *Davis's Streights*, or the seas adjoining; and such commissioners being satisfied of the faithful dealings of the master and other persons employed in such ships, with respect to such voyage and fishery, shall, on demand, cause payment to be made to the master or owners, or to his or their assigns, by the receiver general of the customs of that part of *Great Britain* at which the said ship shall arrive as aforesaid, of the sum of twenty shillings, and twenty shillings *per* ton, according to the admeasurement of such ship duly certified as aforesaid, in like manner as to the owners and masters of *British* ships who are intitled to the said bounties by virtue of the said last-mentioned, or by this act of parliament.

and the bounties to be paid.

Regulations to be observed by ships fitted out for the whale fishery.

VII. And be it enacted by the authority aforesaid, That all ships that shall be fitted out for the whale fishery in *America*, after having conformed to all the rules and restrictions of an act made in the sixth year of his present Majesty's reign, intituled, *An act for the further encouragement of the whale fishery*, shall sail from such port where surveyed directly on her intended fishery, on or before the first day of *May*, and shall not depart or leave *Davis's Streights* or *Greenland*, and seas adjacent, before the twentieth day of *August*, unless they have such success as to fill all or so many casks with blubber, which shall amount to not less than two hundred hogsheads, for a ship of three hundred tons, and so in proportion for a ship of two hundred tons and upwards, or should meet with any unavoidable accident, so as to endanger the lives of the ship's crew, which accident shall be declared

on

on the oaths of the master, mate, carpenter, harpooneers, line-managers, boat-steerers, and surgeon belonging to such ship, or such of them as shall be living at the time of their arrival in port, to the satisfaction of the commissioners of his Majesty's customs in the port of *London* or *Edinburgh* respectively; and in case of any irregular proceeding contrary hereunto, every ship so offending shall lose the benefit of this bounty.

Foreign protestants serving 3 years on board English ships employed in the whale fishery, and qualifying themselves, to be deemed natural born subjects.

VIII. And be it further enacted by the authority aforesaid, for the encouragement of such foreign protestants as shall be willing to serve on board the ships which shall be fitted out by his Majesty's subjects to be employed in the said fishery, That every person born out of the legiance of his Majesty, his heirs and successors, being a protestant, who shall serve during the space of three years, on board any ship which shall be so fitted out, as is directed by the said act of the sixth year of his present Majesty's reign herein before mentioned, or by this act, and which shall be employed in such fishery as aforesaid, and which person shall take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an act made in the first year of the reign of his late majesty King *George* the First, intituled, *An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess* Sophia, *being protestants; and for extinguishing the hopes of the pretended prince of* Wales; which said oaths shall be taken and subscribed, and declaration made, repeated, and subscribed in the courts of *Chancery*, *King's Bench*, *Common Pleas*, or *Exchequer*, in term time in *England*, or in any of them, in open court, or before the lords of the council and session, or lords justiciary, or barons of the *Exchequer* in *Scotland*, or at some general quarter sessions of the peace, to be held for the county where such person does or shall inhabit, reside, or settle, between the hours of nine and twelve in the forenoon, the taking and subscribing of which oaths, and the making and repeating, and subscribing such declaration, shall be entered on record in the same courts, for the doing whereof, only one shilling shall be paid; every such person and persons shall be deemed, adjudged, and taken to be his Majesty's natural-born subject and subjects of this kingdom, to all intents, constructions, and purposes, as if he and they had been, and were born in this kingdom.

Persons that shall be naturalized by this act, to take the sacrament in some protestant church.

IX. Provided always, and be it enacted by the authority aforesaid, That no person shall be naturalized by virtue of this act, unless such person shall have received the sacrament of the Lord's supper in some protestant or reformed congregation in his Majesty's dominions, within three months next before his taking such oaths, and making and subscribing such declaration, and shall, at the time of his taking such oaths, and making and subscribing such declaration, produce a certificate signed by the person administering the said sacrament, and attested by two credible witnesses, whereof an entry shall be made in the court where such oaths shall be taken, without any fee or reward, and shall also produce a certificate at the same time, under the hands

of the owner and master of the ship or vessel in which he or they shall have so served, of his or their integrity and good behaviour during the whole time of such service.

Such persons are excluded from certain offices, &c.

X. Provided always, and be it further enacted, That no person who shall become a natural-born subject of this kingdom by virtue of this act, shall be of the privy council, or a member of either house of parliament, or capable of taking, having, or enjoying any office or place within the kingdoms of *Great Britain* or *Ireland*, either civil or military, or taking any grant to himself, or to any other in trust for him, of any lands, tenements, or hereditaments, within the kingdoms of *Great Britain* or *Ireland*; any thing herein before contained to the contrary thereof in any wise notwithstanding.

None to be naturalized by this act, who are excluded by 4 Geo. 2. c. 21.

XI. Provided also, and it is hereby enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to naturalize any person or persons whatsoever, who, by virtue of an act made in the fourth year of his Majesty's reign, (intituled, *An act to explain a clause in an act made in the seventh year of the reign of her late majesty Queen* Anne, *for naturalizing foreign protestants, which relates to the children of natural-born subjects of the crown of* England, *or of* Great Britain) are declared and enacted not to be intitled to the benefit of the said act of the seventh year of her said late Majesty's reign, but that all such persons shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have done if this act had never been made; any thing in this act contained to the contrary in any wise notwithstanding.

Persons naturalized, going out of his Majesty's dominions for more than 1 year, to lose the benefit.

XII. Provided always, and be it enacted by the authority aforesaid, That if any person so naturalized by virtue of this act, shall go out of his Majesty's dominions in *Great Britain* or *Ireland*, or any of his Majesty's plantations in *America*, for more than the space of twelve months, at any one time, such person shall lose the benefit of this act, to all intents and purposes whatsoever.

## CAP. XLVI.

*An act to continue several laws for preventing exactions of the occupiers of locks and wears upon the river* Thames *westward, and for ascertaining the rates of water carriage upon the said river; and for continuing, explaining, and amending the several laws for the better regulation of attornies and solicitors; and for regulating the price and assize of bread; and for preventing the spreading of the distemper amongst the horned cattle; and also for making further regulations with respect to attornies and solicitors; and for further preventing the spreading of the distemper amongst the horned cattle; and for the more frequent return of writs in the counties palatine of* Chester *and* Lancaster;

caster; *and for ascertaining the method of levying writs of execution against the inhabitants of hundreds; and for allowing* Quakers *to make affirmation in cases where an oath is or shall be required.*

WHEREAS *the laws herein after mentioned (which have by experience been found useful and beneficial) are near expiring;* may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the third year of the reign of his present Majesty, intituled, *An act for reviving and amending an act made in the sixth and seventh years of the reign of his late majesty King* William *the Third, intituled,* An act to prevent exactions of the owners of locks and wears upon the river of *Thames* westward, and for ascertaining the rates of water carriage upon the said river; which was to continue in force from the first day of *May*, one thousand seven hundred and thirty, for the term of nine years, and from thence to the end of the then next session of parliament; and which by another act made in the thirteenth year of the reign of his present Majesty, for continuing several laws therein mentioned, was further continued from the expiration thereof, until the first day of *June*, in the year of our Lord one thousand seven hundred and forty seven; and which by another act made in the twentieth year of the reign of his present Majesty, for continuing several laws therein mentioned, was further continued till the first day of *June*, one thousand seven hundred and forty nine, shall be, and the same is hereby further continued from the expiration thereof, till the first day of *June*, which shall be in the year of our Lord one thousand seven hundred and fifty.

3 Geo. 2. c. 11. continued to 1 June, 1750. EXP. *See* 24 Geo. 2. c. 8.

II. And be it further enacted by the authority aforesaid, That an act made in the second year of the reign of his present Majesty, intituled, *An act for the better regulation of attornies and solicitors*, which was to be in force from the first day of *June*, one thousand seven hundred and twenty nine, for the term of nine years, and from thence to the end of the then next session of parliament; and which by an act made in the twelfth year of his present Majesty, for continuing several laws therein mentioned, was explained and amended, and further continued until the twenty fourth day of *June*, one thousand seven hundred and forty eight, and from thence to the end of the then next session of parliament, shall be, and the same is hereby, together with the alterations and amendments made by the said act of the twelfth year of his present Majesty, and those herein aftermentioned, further continued, from the expiration thereof, until the twenty fourth day of *June*, which shall be in the year of our Lord one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

2 Geo. 2. c. 23. continued to 24 June, 1757.

III. And for the better preventing unqualified persons from

being admitted attornies and solicitors, and for rendering the said act more effectual for the purposes thereby intended; be it enacted by the authority aforesaid, That every person who shall, from and after the first day of *July*, one thousand seven hundred and forty nine, be bound by contract in writing to serve as a clerk to any attorney or solicitor, as by the said act is directed, shall, within three months next after the date of every such contract, cause an affidavit to be made and duly sworn of the actual execution of every such contract, by every such attorney or solicitor, and the person so to be bound to serve as a clerk as aforesaid; and in every such affidavit shall be specified the names of every such attorney and solicitor, and of every such person so bound, and their places of abode respectively, together with the day of the date of such contract; and every such affidavit shall be filed within the time aforesaid, in the court where the attorney or solicitor to whom every such person respectively shall be bound as aforesaid, hath been inrolled as an attorney or solicitor, with the respective officer or officers, or his or their respective deputy or deputies, in the respective courts herein aftermentioned, who shall make and sign a memorandum or mark of the day of filing every such affidavit at the back or at the bottom thereof.

Persons bound to serve as clerks to attornies, to cause affidavit to be made within three months of the execution of such contracts, &c.

Affidavit to be filed.

None to be admitted before such affidavit be produced.

IV. And be it further enacted, That no person who shall, after the said first day of *July*, become bound as aforesaid, shall be admitted or inrolled an attorney or solicitor in any court in the said act mentioned, before such affidavit, so marked by the proper officer as aforesaid, shall be produced and openly read in such court, where such person shall be admitted and inrolled an attorney or solicitor.

Officers who are to file such affidavits.

V. And it is hereby enacted and declared, That the several persons following shall be deemed and taken to be the proper officers for filing such affidavits in the respective courts herein after-mentioned (that is to say) in the high court of *Chancery*, the senior clerk of the petty bag office, or his deputy; in the court of *King's Bench*, the chief clerk of that court, or his deputy; in the court of *Common Pleas*, the clerk of the warrants of that court, or his deputy; in the court of *Exchequer*, the King's remembrancer of that court, or his deputy; in the court of the dutchy chamber of *Lancaster* at *Westminster*, the chief clerk of that court, or his deputy; and in the several counties palatine of *Chester*, *Lancaster*, and *Durham*, the respective prothonotaries of the said counties palatine, and their respective deputies; and in the several courts of the great sessions of *Wales*, the respective prothonotaries of the said courts, and their respective deputies.

Book to be kept for entering the names and places of abode of every such attorney, and clerk, &c.

VI. And be it further enacted, That every such officer or officers, or their respective deputy or deputies, filing such affidavit as aforesaid, shall keep a book, wherein shall be entered the substance of such affidavit, specifying the names and places of abode of every such attorney or solicitor, and clerk or person bound as aforesaid, and of the person making such affidavit, with the date of

of the articles or contract in such affidavit to be mentioned, and the days of swearing and filing every such affidavit respectively; and every such officer or officers, or his or their deputy or deputies, shall be at liberty to take, at the time of filing every such affidavit, the sum of two shillings and six pence, and no more, as a recompence for his trouble in filing such affidavits, and preparing and keeping such books as aforesaid, and which said books shall and may be searched in office hours, by any person or persons whatsoever, without fee or reward.

Fees for filing the affidavits.

VII. And be it further enacted, That from and after the said first day of *July*, no attorney or solicitor shall take, have, or retain any clerk, who shall become bound by contract in writing as aforesaid, after such attorney or solicitor shall have discontinued or left off, or during such time as he shall not actually practise as, or carry on the business of an attorney or solicitor.

No attorney to take, &c. a clerk, after discontinuing business.

VIII. And be it further enacted, That every person who shall, from and after the said first day of *July*, become bound, by contract in writing, to serve any attorney or solicitor, as by the said act is directed, shall, during the whole time and term of service, to be specified in such contract, continue and be actually employed by such attorney or solicitor, or his or their agent or agents, in the proper business, practice, or employment of an attorney or solicitor.

Clerks to be employed in their proper business during the time of their contract.

IX. Provided always, and it is hereby enacted, If any such attorney or solicitor, to or with whom any such person shall be so bound, shall happen to die before the expiration of such term, or shall discontinue or leave off such his practice as aforesaid, or if such contract shall by mutual consent of the parties be cancelled, or in case such clerk shall be legally discharged by any rule or order of the court, wherein such attorney or solicitor shall practise, before the expiration of such term, and such clerk shall in any of the said cases be bound by another contract, or other contracts, in writing to serve, and shall accordingly serve in manner herein before-mentioned, as clerk to any other such practising attorney or attornies, solicitor or solicitors as aforesaid respectively, during the residue of the said term of five years, then such service shall be deemed and taken to be as good, effectual, and available, as if such clerk had continued to serve as a clerk for the said term, to the same person to whom he was originally bound, so as an affidavit be duly made and filed of the execution of such second or other contract or contracts, within the time, and in like manner, as is before directed concerning such original contract.

Affidavit of the execution of second contracts by such clerks, the service of 5 years to be deemed effectual.

X. And be it further enacted, That every person who, from and after the said first day of *July*, shall become bound as a clerk as aforesaid, shall, before he be admitted an attorney or solicitor according to the said act, cause an affidavit of himself, or such attorney or solicitor, to whom he was bound as aforesaid, to be duly made and filed with the proper officer herein before for that purpose appointed, that he hath actually and really served and been employed by such practising attorney or attornies, solicitor

Clerks, before admitted, to make affidavit of having served 5 years.

licitor or solicitors, to whom he was bound as aforesaid, or his or their agent or agents, during the said whole term of five years, according to the true intent and meaning of this act.

XI. *And whereas divers persons who are not examined, sworn, or admitted to act as attornies or solicitors in any court of law or equity, do, in conjunction with, or by the assistance or connivance of certain sworn attornies and solicitors, and by various subtle contrivances, intrude themselves into, and act and practise in the office and business of attornies and solicitors, to the great prejudice and loss of many of his Majesty's subjects, and the scandal of the profession of the law;* be it therefore enacted, That from and after the twenty ninth day of *September*, which shall be in the year of our Lord one thousand seven hundred and forty nine, if any sworn attorney or solicitor shall act as agent for any person or persons, not duly qualified to act as an attorney or solicitor as aforesaid, or permit or suffer his name to be any ways made use of upon the account, or for the profit of any unqualified person or persons, or send any process to such unqualified person or persons, thereby to enable him or them to appear, act, or practise in any respect as an attorney or solicitor, knowing him not to be duly qualified as aforesaid, and complaint shall be made thereof in a summary way to the court from whence any such process did issue, and proof made thereof, upon oath, to the satisfaction of the court, that such sworn attorney or solicitor hath offended therein as aforesaid, then, and in such case, every such attorney or solicitor so offending, shall be struck off the roll, and for ever after disabled from practising as an attorney or solicitor; and in that case, and upon such complaint and proof made as aforesaid, it shall and may be lawful to and for the said court to commit such unqualified person, so acting or practising as aforesaid, to the prison of the said court, for any time not exceeding one year.

Sworn attornies acting as agents for persons not qualified, &c.

to be struck off the roll,

and to be committed.

XII. *And whereas frequent delays, inconveniencies, and unnecessary expences arise and happen, as well to parishes as private persons, by the mismanagement and unskilfulness of persons employed as solicitors or agents at the sessions held for the several counties, ridings, divisions, cities, towns corporate, and other places of this kingdom, who having never been regularly bred to the law, and being ignorant of the forms and operations thereof, offenders against the laws of the land have frequently escaped with impunity:* for remedying therefore of these inconveniencies, be it enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, which shall be in the year of our Lord one thousand seven hundred and forty nine, no person whatsoever shall act as a solicitor, attorney or agent, or sue out any process, at any general or quarter sessions of the peace for any county, riding, division, city, town corporate, or other place within this kingdom, either with respect to matters of a criminal or civil nature, unless such person shall have been heretofore admitted an attorney of one of his Majesty's courts of record at *Westminster*, and duly inrolled pursuant to an act made in the second year of his present

None to act as attornies who were not admitted according to 2 Geo. 2. c. 23.

present Majesty's reign, (intituled, *An act for the better regulation of attornies and solicitors*) or unless such person shall hereafter be admitted an attorney, and inrolled as aforesaid by virtue of this act, or such other law as shall be then in being, and unless such person shall continue so entered upon the roll, at the time of such his acting in the capacity aforesaid; but all and every person or persons respectively, who shall so act, not being admitted and inrolled as aforesaid, shall be subject and liable to a penalty of fifty pounds; to be recovered by action of debt, bill, plaint, or information, in any of the courts of record at *Westminster*, by any person or persons who shall sue for the same, within twelve months after the offence committed, with treble costs of suit; and if any attorney or attornies shall permit and suffer any person or persons whatsoever, not being admitted and inrolled as aforesaid, to make use of his or their name or names respectively, in the courts of general or quarter sessions aforesaid, such attorney or attornies respectively shall be subject and liable to a like penalty of fifty pounds, to be recovered in manner aforesaid.

Penalty 50 l. with treble costs.

Attornies suffering persons not admitted to use their names, to forfeit 50 l. *See* 23 Geo. 2. c. 26.

XIII. Provided always, That nothing herein contained shall extend, or be construed to extend, to deprive the attornies of the dutchy of *Lancaster*, or of the courts of great sessions in *Wales*, or of the counties palatine of *Chester*, *Lancaster*, and *Durham*, from acting within their respective jurisdictions.

Persons exempted.

XIV. And, to the end that justice may be impartially administered in the several general or quarter sessions of this kingdom, be it further enacted by the authority aforesaid, That no clerk of the peace, or his deputy, nor any under sheriff, or his deputy, shall, from and after the said twenty ninth day of *September*, act as a solicitor, attorney, or agent, or sue out any process, at any general or quarter sessions of the peace to be held for such county, riding, division, city, town corporate, or other place within this kingdom, where he shall execute the office of clerk of the peace, or deputy clerk of the peace, under sheriff, or deputy, on any pretence whatsoever; but if any clerk of the peace, or his deputy, or any under sheriff, or his deputy, shall presume to act as a solicitor, attorney, or agent as aforesaid, such clerk of the peace, or his deputy, under sheriff, or his deputy respectively, shall be subject and liable to a like penalty of fifty pounds, to be recovered in manner aforesaid.

No clerk of the peace, under sheriff, &c. to act as attornies, &c. at quarter sessions for the county, &c.

Penalty 50 l.

XV. *And whereas several persons have been bound by articles in writing to attornies of one of his Majesty's courts at* Westminster, *to serve them as their clerks for the term of five years, which attornies have died before the expiration of the said five years, and after their deaths such persons so bound have served the remainder of the said term with some other attornies of the said courts, but have neglected to enter into articles with the said other attornies for the remainder of the term of five years, and therefore doubts have arisen, whether such persons could be admitted attornies of any of his Majesty's courts, by reason that such service was not strictly in pursuance of the direction of the before-mentioned act*; be it therefore enacted

Clerks, whose masters have died, serving the residue of their times with others without fresh contracts, to be admitted.

and declared by the authority aforesaid, That all such persons who shall have been so bound as aforesaid for the term of five years to attornies of any of his Majesty's courts at *Westminster*, which said attornies shall have died before the determination of the said term, if such persons shall afterwards, and before the twenty fifth day of *March*, one thousand seven hundred and forty nine, have served the residue of the said term of five years, with some other attornies of one of his Majesty's said courts, though without entering into any new articles, such persons having so served during the said term of five years, shall and may be admitted attornies in any of his Majesty's courts at *Westminster*; any thing in the said act, or in this present act, contained to the contrary in any wise notwithstanding.

Persons admitted sworn clerks in the office of the six clerks, or bound for five years, &c.

XVI. And be it further enacted by the authority aforesaid, That any person who shall have been admitted a sworn clerk in the office of the six clerks of the court of *Chancery*, or shall have been bound by contract in writing, to serve as a clerk for and during the space of five years, to a sworn clerk in the said office, and for and during the said term of five years shall have continued in such service, or shall have continued in such service for the space of three years, or more, and shall have been admitted a waiting clerk, and acted as such during the residue of the said term of five years, may be examined, sworn, and admitted and inrolled as a solicitor, in the same manner as solicitors in courts of equity are by the said act required to be examined, sworn, admitted, and inrolled; any thing in the said act to the contrary notwithstanding.

may be admitted solicitors.

Clerks, whose masters have died, &c. entering into fresh contracts, and serving the residue of their time, the same to be effectual.

XVII. Provided also, and it is hereby further enacted, That if any sworn clerk in the said six clerks office, with and to whom any person hath been, or shall be bound by contract in writing as aforesaid, to serve as a clerk for the term of five years, shall happen to die before the expiration of the said term of five years, or if such contract shall, by mutual consent of the parties, be vacated, or in case such clerk be legally discharged by any rule or order of the said court of *Chancery*, before the expiration of the said term of five years; then, and in any of the said cases, if such clerk shall by contract in writing be obliged to serve, and shall accordingly serve as a clerk to any other sworn clerk in the said six clerks office, or to any solicitor who shall be sworn, admitted, and inrolled, pursuant to the said act of the second year of his present Majesty, during the residue of the said term of five years, then such service shall be deemed and taken to be as good and effectual as if such clerk had continued to serve as a clerk for the term of five years to the same person to whom he was originally bound by contract in writing as aforesaid.

No sworn clerk to have more than two clerks.

XVIII. Provided always, and it is hereby further enacted by the authority aforesaid, That no sworn clerk in the said six clerks office shall have more than two clerks at one and the same time, including the clerk who shall be entered on the roll kept by the master of the rolls, or his secretary for that purpose.

XIX. Pro-

XIX. Provided also, and it is hereby further declared and enacted by the authority aforesaid, That nothing in this act contained shall extend or be construed to extend to the taking or binding, examination, swearing, admission, or inrollment of the attornies, or clerks of the offices of the King's remembrancer, treasurer's remembrancer, pipe, or office of pleas, in the court of *Exchequer* at *Westminster* for the time being, but that the said attornies, and clerks of the said respective offices shall and may be taken, bound, approved, sworn, admitted, and practise in the said court of *Exchequer*, in like manner as they usually have been, and might have done before the making of this act, and may practise in any other of the courts of record before-mentioned, in the name, and with the consent of some sworn attorney of such court, such consent being in writing, and signed by such attorney as aforesaid, in the manner as they have usually been and might have done before the making of this act; any thing herein contained to the contrary notwithstanding. Persons exempted.

XX. And be it further enacted by the authority aforesaid, That an act made in the eighth year of the reign of her late majesty Queen *Anne*, intituled, *An act to regulate the price and assize of bread*; which was to be in force for three years, and from thence to the end of the then next session of parliament, and by an act made in the first year of the reign of his late majesty King *George*, for continuing several laws therein mentioned, was explained, amended, and continued for the further term of three years, and from thence to the end of the then next session of parliament, which said act and alterations had further continuance by several subsequent acts, and was by an act made in the said twelfth year of the reign of his present Majesty explained and amended, and further continued from the expiration thereof, to the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty eight, and from thence to the end of the then next session of parliament, shall be, and the same is hereby, together with the alterations and amendments herein after-mentioned, further continued from the expiration thereof, until the twenty fourth day of *June*, which shall be in the year of our Lord one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament. 8 Annæ, c. 18. 1 Geo. 1. c. 26. 12 Geo. 2. c. 13. continued to 24 June, 1757.

XXI. *And whereas it is often very difficult for the magistrate or justice or justices of the peace before whom bread is complained of, to know under what denomination the bread ought to be weighed, pursuant to the directions of the said acts of the eighth of Queen* Anne, *and first of his late Majesty*; be it enacted by the authority aforesaid, That every common baker, and every person who shall make or bake for sale, or any ways expose to sale, any sort of bread whatsoever, shall, from and after the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and forty nine, fairly imprint or mark or cause to be imprinted or marked, on every loaf so by him made or exposed to sale, the letters herein after mentioned (that is to say) upon every Bakers to imprint on every loaf a certain letter,

every loaf exposed to sale as white bread, a large Roman W. and upon every loaf exposed to sale as wheaten bread, a large Roman W H. and upon every loaf exposed to sale as houshold bread, a large Roman H. and every person selling, or exposing to sale, not marked as aforesaid, shall forfeit and pay the sum of twenty shillings to the informer, the said forfeiture to be adjudged, levied, and recovered, in such manner as the penalties laid upon persons selling or exposing to sale any bread deficient in weight, are by the said act of the first of his said late Majesty's reign to be adjudged, levied, and recovered.

under penalty of 20s.

Limitation of this regulation.

XXII. Provided always, That nothing in this act shall extend, or be construed to extend, to any sort of bread, but what is mentioned in the said acts of the eighth of Queen *Anne*, and the first of his late Majesty.

19 Geo. 2. c. 5.

XXIII. And be it further enacted by the authority aforesaid, That an act made in the nineteenth year of the reign of his present Majesty, intituled, *An act to enable his Majesty to make rules, orders, and regulations, more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom*, which was to continue and be in force for the space of eight months, and to the end of the then next session of parliament; and which by an act made in the twentieth year of the reign of his present Majesty, was explained, amended, and continued, and to be in force with the said last-mentioned act, for the space of eight months, from the tenth day of *January*, one thousand seven hundred and forty six, and from thence to the end of the then next session of parliament; and which said acts, by an act made in the twenty first year of the reign of his present Majesty, for continuing several laws therein mentioned, were further continued, from the expiration thereof, until the twenty fourth day of *September*, one thousand seven hundred and forty eight, and from thence to the end of the then next session of parliament; shall be, and the same are hereby further continued, from the expiration thereof, until the twenty fourth day of *September*, one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament.

20 Geo. 2. c. 4.

21 Geo. 2. c. 33.

continued to 24 Sept. 1749.

*Farther continued by* 27 Geo. 2. c. 14.

XXIV. *And whereas it is apprehended, that the distemper which still rages amongst the horned cattle, has been greatly spread and increased by tanners and others buying the hides and skins of infected beasts, and carrying the same secretly to their tan-yards:* Wherefore for preventing the same for the future, be it enacted by the authority aforesaid, That every tanner, tawer, or dresser of hides or skins shall, before he brings any raw hide or skin of any bull, ox, cow, calf, steer, or heifer, into his tan-yard, workhouse, warehouse, or place used for dressing or manufacturing of hides, or skins, give notice to the officer of excise of the district in which such tan-yard or dressing-place is situated, and whose survey the said tanner, tawer, or dresser of hides shall be under and subject to for the time being, and produce to the said officer a certificate, under the hand and seal, or hands and seals, of one or more justice or justices of the peace, or commissioner or commissioners

Tanner to give notice to the excise officer before he brings any raw hides, &c. into his tan-yard, &c.

ers of the land tax, specifying the colour of such hide or skin, the name and place of abode of the owner of such hide or skin; and that upon examination on oath of one or more credible person or persons, it appeared to the person or persons signing and sealing such certificate, that the beast from which such hide or skin was taken was sound, and free from any infection; which certificate shall by the said officer be entered into a book to be kept for that purpose; and if any tanner, tawer, or dresser of hides or skins, shall bring or suffer to be brought into his tan-yard or tan-pits, or other place used for dressing or manufacturing hides or skins, any such raw hide or skin, or shall tan or dress, or manufacture any such raw hide or skin, without giving such notice, and producing such certificate as aforesaid, every person so offending shall, for every such offence, forfeit the sum of ten pounds, to be recovered, levied, and applied, as the several forfeitures are by the said act of the nineteenth year of his present Majesty's reign, to be recovered, levied, and applied.

Penalty of 10.

XXV. And it is hereby further enacted, That all and every or any of the officers of excise, acting and employed in any district wherein any tan-yard, workhouse, or warehouse, or place for dressing or manufacturing of hides or skins is situate and being, shall and may, at all times, by day or by night (and if in the night, then in the presence of a constable, or other lawful officer of the peace) be permitted, upon his or their request, to enter into any such tan-yard, workhouse, warehouse, or place, in order to search for hides and skins suspected to be brought and conveyed into the same respectively, contrary to, and against the tenor and true meaning of this act, and then and there to search and examine, or cause to be searched or examined, any tan-pit, fat, or other place, were any such hide or skin is suspected to be laid, hid, put, or concealed; and if any tanner, tawer, or other person or persons whatsoever shall obstruct or hinder any such officer or officers in the execution of his or their duty, power, or authority given to, vested in, and required of him and them respectively by this act, every person so offending, and being thereof lawfully convicted as aforesaid, shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered, applied, and disposed of in manner afore-mentioned.

Officers impowered to enter tan-yards, &c. to search for hides brought in contrary to this act, &c.

XXVI. *And whereas it is necessary to encourage and promote the breeding of cattle, the number being greatly decreased by the said mortality*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by advice of his privy council, to prohibit and forbid the killing or slaughtering of cow calves; in such counties and places, and in such manner, and at such times, as his Majesty, during the continuance of the said acts of the nineteenth and twentieth years of his present Majesty's reign, shall judge proper; and all and every person offending against such order and prohibition, shall forfeit and pay the sum of forty shillings, to be recovered, levied, and applied, as other forfeitures by the said acts are to be recovered, levied, and applied.

His Majesty impowered to prohibit the killing cow calves.

Offenders to forfeit 40s.

XXVII. And to prevent the spreading of the said infectious distemper, by persons who frequently buy up cattle in infected places,

places, and soon after dispose of the same in places free from the infection, contrary to the true intent and meaning of the said acts, and the orders and regulations made by his Majesty in council, be it enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and forty nine, no person whatsoever, by himself, his servant, or agent, shall sell or dispose of any living ox, bull, cow, calf, steer, or heifer, until the same shall have been the property of such person for the term of forty days at the least; and in proof of such property, the seller shall produce a certificate, under the hand of the person of whom such ox, bull, cow, calf, steer, or heifer, was last bought or purchased, signifying the time when he purchased the same; and every person who shall sell or dispose of any ox, bull, cow, calf, steer, or heifer, without producing such certificate, and shall be thereof convicted by his, her, or their own confession, or by the oath of one or more credible witness or witnesses, before any justice or justices of the peace for the county, riding, division, city, liberty, or town corporate where the offence shall be committed, shall, for every ox, bull, cow, calf, steer, or heifer, so sold or disposed of, forfeit and pay the sum of ten pounds, unless such person shall by himself, his agent, or servant, make oath before the said justice or justices (which oath the said justice or justices is and are hereby impowered to administer) that the said ox, bull, cow, calf, steer, or heifer, has been his property for more than forty days, the said forfeiture to be adjudged, levied, and recovered in such manner as the penalty of ten pounds is, by the said act of the nineteenth year of the reign of his present Majesty, to be adjudged, levied, and recovered; one moiety of the said forfeiture to be given to the informer, and the other moiety to the poor of the parish where the offence shall be committed.

Regulations to be observed by the sellers of horned cattle.

Offenders to forfeit 10l.

Penalty of giving false certificates.

XXVIII. And be it further enacted by the authority aforesaid, That every person who shall, from and after the said first day of *July*, sell or dispose of any ox, bull, cow, calf, steer, or heifer, and shall give a false or untrue certificate of the time of the sale of such cattle, and every person who shall accept of such false or untrue certificate, knowing the same to be such, shall forfeit and pay the like sum of ten pounds, to be adjudged, levied, recovered, and disposed of in the manner above-directed.

Regulations to be observed by the drivers of horned cattle, if any sicken on the road.

XXIX. And be it enacted by the authority aforesaid, That from and after the first day of *July*, which shall be in the year of our Lord one thousand seven hundred and forty nine, if any drover, or person or persons driving and conducting horned cattle from one place to another, shall find any beast or beasts in his drift sicken upon the road, so to as be unable to proceed forward in their journey, such drover, or person or persons driving such horned cattle, shall forthwith give notice thereof to the constable, head-borough, or churchwarden of the parish or place wherein such beast or beasts shall sicken, in order that the same may be slain and buried, the skin being first slashed, if deemed to be ill of the distemper now raging amongst the horned cattle,

in

in the opinion of the officer of such parish or place so summoned, and of two other substantial inhabitants of the said parish or place, whom the said officer is hereby impowered, by a note in writing under his hand to summon to his assistance; and in case any drover, or person or persons driving horned cattle, shall fail herein, or shall conceal or drive out of the way, without giving such notice, any such sick beast or beasts, he or they so offending, shall forfeit and pay ten pounds, to the use of the poor of such parish or place wherein such beast or beasts shall be found sick or dead, to be levied on his or their goods and chattels, by warrant under the hand and seal of any justice of the peace of the county, riding, division, liberty, city, or town corporate, wherein such drover, or person or persons driving such horned cattle shall be taken; and in case of nonpayment, such drover, or person or persons, shall be committed to the common gaol of such county, shire, stewartry, riding, division, liberty, city, or town corporate, there to remain without bail or mainprize for the space of six calendar months, or until he or they shall have paid the said penalty.

Offenders to forfeit 10l.

and on nonpayment to be committed.

XXX. *And whereas his Majesty hath, in pursuance of the said acts of parliament, by his order in council, bearing date the twenty second day of* March, *one thousand seven hundred and forty seven, made and established certain rules, orders, and regulations for the better preventing the spreading of the said infection, and putting a stop to the distemper; which rules, orders, and regulations have been found beneficial*; be it therefore enacted by the authority aforesaid, That the said order in council, and all the rules, orders, and regulations therein contained and inserted (except such and so much of them, or any of them respectively, as his Majesty, his heirs and successors, at any time or times during the continuance of the said former acts, shall, with the advice of his and their privy council, judge proper and expedient to repeal, alter, or vary) shall be in force, and the same, and also such other rules, orders, and regulations, variations and additions, as shall be made by virtue of, and in pursuance and under the power and authority of this present act, and the said former acts, shall be observed and obeyed by all his Majesty's subjects, during the continuance of the said former acts, under the penalty of ten pounds, inflicted and directed to be levied by the said former acts for every offence committed against the same.

His Majesty's order in council declared to be valid, &c.

Offenders to forfeit 10l.

XXXI. And it is hereby further enacted and declared, That all the powers and authorities given by the said order of council, or which shall be given by any subsequent order of council by virtue of the authority aforesaid, to justices of the peace, and other magistrates, and to commissioners of the land tax, inspectors, and other officers appointed in that behalf, shall be duly executed, and are hereby established, and enacted and declared to be as good and valid in the law, to all intents and purposes, during the continuance of the said order or orders, as if the same were herein repeated, and expressly enacted.

Order of council, &c. to be executed and declared valid.

XXXII. And be it further enacted, That from and after the

Persons disobeying or obstructing, &c.

fifteenth day of *June*, one thousand seven hundred and forty nine, all and every person and persons who shall by force or threats intimidate, hinder, or prevent the said justices, magistrates, commissioners, inspectors, or other officers, from executing the said rules, orders, and regulations, or from performing their respective duties in relation thereto, or who shall enter into any combination, confederacy, or subscription, to disobey the said order or orders in council, or to defeat, hinder, or prevent the execution thereof, shall over and beside the penalty inflicted by the said act, forfeit and pay the sum of fifty pounds; to be recovered by bill, plaint, suit, or information, in any of his Majesty's courts of record at *Westminster*, by any person or persons who shall inform and sue for the same, to go and be paid to and for the sole use and benefit of such person or persons respectively, with full costs of suit.

to forfeit 50l.

Limitation of actions.

XXXIII. Provided, and be it further enacted, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this or any of the said former acts, in every such case the action or suit shall be brought within six calendar months next after the fact committed, and not afterwards, and in the county where the fact hath been, or shall be committed, and not elsewhere; and the defendant and defendants in such action and suit to be brought shall and may plead the general issue, and give the special matter of his defence in evidence, at any trial to be had thereupon, and that the same was done in pursuance of the said former acts, or this present act; and if the same shall appear so to be done, or such action or suit to be brought after the time limited for bringing the same, or shall be brought in any other county, place or places than where the fact was committed, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his or their action, after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant and defendants, in every such case, shall and may recover treble costs, and have such remedy for the same, as any defendant or defendants hath or have in any cases by law.

General issue.

Treble costs.

Regulations to be observed with regard to writs of execution sued out against any hundred.

XXXIV. And be it further enacted by the authority aforesaid, That no writ of execution hereafter to be sued out against the inhabitants of any hundred, on any judgment obtained by virtue of any act or acts of parliament whatsoever, shall be levied on any particular inhabitant or inhabitants of such hundred, but the sheriff or sheriffs shall, on receipt of every such writ, cause the same to be produced to two justices of the peace, in such manner as is directed by the statute made in the eighth year of his present Majesty's reign, intituled, *An act for the amendment of the law relating to actions on the statute of* Hue and Cry; and that thereupon the said justices shall, in the manner directed by the said act, cause a taxation to be made, levied, and collected, for raising and paying, as well the costs and damages

8 Geo. 2. c. 16,

mages recovered by the plaintiff or plaintiffs, as also all such just and necessary expences as any inhabitant or inhabitants of such hundred shall have been at in defending any such action, the same being first proved on oath, and the attorney's bill being first taxed in such manner as the said act directs; and the sums of money so to be levied and collected shall, within the time by the said act limited, be paid to the sheriff or sheriffs, and by him or them paid or delivered over to the persons intitled to receive the same, without any deduction, fee or reward whatsoever.

XXXV. *Whereas all writs relating to actions depending in the court of session of* Chester, *or in the court of* Common Pleas, *held in and for the county palatine of* Lancaster, *are returnable at the great sessions, and sessions of assizes held respectively for the said counties, and at no other time, by which means no action that is commenced in the said courts can be brought to issue, and tried, before the next session or session of assizes but one after such action is commenced at the soonest, which is usually near a year, and a great delay to the suitors of the said courts, and many other inconveniencies do attend the want of more frequent returns of writs in the said courts:* for remedy whereof, and for the greater ease and benefit of the suitors in the same, be it further enacted by the authority aforesaid, That from and after the twenty ninth day of *September* one thousand seven hundred and forty nine, all writs of *capias*, and other mesne process, to answer relating to any action or suit, to be brought or commenced in the said courts of session for the said county of *Chester*, and court of *Common Pleas* for the said county of *Lancaster*, that shall bear teste in the preceding session, or session of assizes respectively, shall and may be made returnable before his Majesty's justices of the said session at *Chester*, or sessions of assizes for the county of *Lancaster*, on the first *Wednesday* of any month in each of the two vacations annually, betwixt the said session or sessions of assizes, or at the first day of the next session or sessions of assizes respectively, at the election of the plaintiff or plaintiffs, his, her, or their attorney, who shall sue out the same; and that all such writs or process which shall issue out of the said courts respectively, returnable in the vacations as aforesaid, and whereon or wherewith the defendant or defendants shall be arrested or served with a copy or copies, such defendant or defendants shall appear and file special bail, or enter a common appearance, as the case shall require, on the day of such return, or within eight days next after; and in case of neglect in bailable actions, the sheriff, under sheriff, or other officer, shall at the request and costs of the plaintiff or plaintiffs, in such action or suit, his, her, or their attorney or agent, assign to such plaintiff or plaintiffs, the bail bond taken for the defendant's appearance upon the arrest, by indorsement and attestation under his hand in the presence of two or more credible witnesses; and the plaintiff or plaintiffs in such action, after such assignment made, may bring an action or suit upon such bail bond, in his or their own name or names; and the said courts may, by rule or rules thereof respectively, give such relief

Regulations in the returns of writs in the court of session of Chester, and the court of Common Pleas of Lancaster,

lief to the plaintiffs and defendants in the original action, and to the bail, so sued upon the bail bond, as is agreeable to justice and reason; and in case of service, the copy of writs or process, returnable in the vacation time as aforesaid, and the defendant or defendants so served therewith, shall not appear at the return of such writ or process, or within eight days next after the return thereof as aforesaid, it shall and may be lawful to and for the plaintiff or plaintiffs, in such action, upon affidavit being made and filed with the prothonotary of the said courts respectively, or his deputy, of the personal service of such process as aforesaid, to enter a common appearance or appearances for the defendant or defendants, and to proceed thereon, as if such defendant or defendants had entered his, her, or their appearance; and that all writs which shall be made returnable in the said courts respectively, on such return days as aforesaid, shall and may (in case the plaintiff or plaintiffs declare according to the practice of the said courts respectively) be proceeded upon in like manner as if the same had been made returnable at the preceding session or session of assizes for the said counties palatine respectively; any law, statute, usage, or custom to the contrary thereof in any wise notwithstanding.

XXXVI. *And whereas a doubt hath arisen, whether the solemn affirmation or declaration of the people called* Quakers, *prescribed by an act made in the eighth year of the reign of his late majesty King* George *the First, (intituled,* An act for granting the people called *Quakers,* such forms of affirmation or declaration as may remove the difficulties which many of them lie under) *can be allowed and taken instead of an oath, in any case wherein by any act or acts of parliament an oath is required, unless the said affirmation or declaration be by such act or acts of parliament particularly and expressly directed to be allowed and taken instead of such oath; by reason of which doubt the testimony of the said people called* Quakers, *is frequently refused, whereby the said people, and others requiring their evidence, are subjected to great inconveniencies:* therefore for removing the said doubt, be it enacted and declared by the authority aforesaid, That in all cases wherein by any act or acts of parliament now in force, or hereafter to be made, an oath is or shall be allowed, authorized, directed, or required, the solemn affirmation or declaration of any of the people called *Quakers,* in the form prescribed by the said act made in the eighth year of his said late Majesty's reign, shall be allowed and taken instead of such oath, although no particular or express provision be made for that purpose in such act or acts; and all persons who are or shall be authorized or required to administer such oath, shall be, and are hereby authorized and required to administer the said affirmation or declaration; and the said solemn affirmation or declaration, so made as aforesaid, shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice, and other places, where by law an oath is or shall be allowed, authorized, directed, or required, as if such

8 Geo. 1. c. 6.

Affirmation of Quakers allowed in all cases in lieu of an oath required by act of parliament.

*Quaker*

*Quaker* had taken an oath in the usual form; and if any person making such affirmation or declaration, shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed or declared any matter or thing, which, if the same had been deposed in the usual form, would have amounted to wilful and corrupt perjury, every person so offending, shall incur and suffer the like pains, penalties, and forfeitures, as by the laws and statutes of this realm are to be inflicted on persons convicted of wilful and corrupt perjury.

Penalty on false affirming

XXXVII. Provided nevertheless, and be it enacted, That no *Quaker* shall, by virtue of this act, be qualified or permitted to give evidence in any criminal cases, or to serve on juries, or to bear any office or place of profit in the government; any thing herein contained to the contrary notwithstanding.

Not to extend to criminal cases, &c.

## CAP. XLVII.

*An act for the more easy and speedy recovery of small debts, within the town and borough of* Southwark, *and the several parishes of* Saint Saviour, Saint Mary *at* Newington, Saint Mary Magdalen Bermondsey, Christ Church Saint Mary Lambeth, *and* Saint Mary *at* Rotherhithe, *in the county of* Surry, *and the several precincts and liberties of the same.*

WHEREAS *several persons living and residing within the town and borough of* Southwark *in the county of* Surry, *and the several parishes of* Saint Saviour, Saint Mary *at* Newington, Saint Mary Magdalen Bermondsey, Christ Church, *late part of* Saint Saviour's, Saint Mary Lambeth, *and* Saint Mary *at* Rotherhithe, *in the said county of* Surry, *and the several precincts and liberties thereof, contract many small debts, which in the whole amount yearly to a great sum of money; and although they are well able to pay such debts, yet they refuse so to do, presuming on the discouragements which their creditors lie under from the expence which they are unavoidably put to in suing for the same, and the delays they meet with even after they have obtained judgement; and as nothing contributes more to the promoting of industry, and the support of useful credit, than providing an easy and speedy method for recovering of small debts;* may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for such parishioners of the several and respective parishes within the said town and borough of *Southwark*, and of the several parishes of *Saint Saviour*, *Saint Mary* at *Newington*, *Saint Mary Magdalen Bermondsey*, *Christ Church*, late part of and comprized in the parish of *Saint Saviour*, *Saint Mary Lambeth*, and *Saint Mary* at *Rotherhithe*, in the said county of *Surry*, as have a right to assemble in their several and respective vestries, and they are hereby respectively impowered and requir-

The parishioners to meet in their vestries, and to nominate 132 commissioners

ed, within two calendar months after the making and passing of this act; and also on the *Tuesday* next after the feast of *Easter*, which will be in the year of our Lord one thousand seven hundred and fifty, and so on every *Tuesday* next after the feast of *Easter* in every successive year, to nominate and assign, in the whole, the number of one hundred and thirty two of the most substantial and discreet persons residing within their respective parishes, who are to be commissioners for the purposes herein after-mentioned and expressed, to be appointed by such parishioners of the said several parishes in manner following; *videlicet*, such parishioners of the said parish of *Saint Olave* in *Southwark*, to nominate and assign twelve of the said persons; the parish of *Saint John* in *Southwark* other twelve; the parish of *Saint George* in *Southwark* other twelve; the parish of *Saint Thomas* in *Southwark* six; the said parish of *Saint Saviour* eighteen; the said parish of *Newington* twelve; the said parish of *Saint Mary Magdalen Bermondsey* eighteen; the said parish of *Christ Church* six; the said parish of *Lambeth* eighteen; and the said parish of *Retherhithe* eighteen; and the churchwardens of each respective parish for the time being, or one of them, shall, within two days next after such nomination, cause two lists to be made out of the several persons so respectively nominated and appointed as aforesaid; and shall cause one of the lists, or a true copy thereof, to be fixed or stuck up on the church door of their respective parish; and shall deliver, or cause to be delivered, the other to the chief bailiff of the said town and borough of *Southwark*, or his deputy, who shall forthwith cause a copy of such lists to be made, and stuck up in some convenient part of the town hall of the said town and borough of *Southwark*; which said persons, so nominated and returned for the said several parishes respectively as aforesaid, from time to time, are hereby declared, constituted, and appointed to be commissioners to hear and determine all such matters of debt as are herein aftermentioned; and such commissioners are hereby constituted a court of justice, by the name of *The Court of Requests for the town and borough of* Southwark *in the county of* Surry; and the said commissioners, or any three or more of them, are hereby authorized, impowered, and required to assemble, sit, and hold the said court twice in every week, *videlicet*, on every *Tuesday* and *Friday*, in the court house of the said town and borough situate and being at *Saint Margaret's Hill*, within the said town and borough, or in some convenient part thereof, or some other place near or thereunto adjoining, so as not to impede or interrupt the business, at any time hereafter to be done by or before his Majesty's justices of assize, justices of oyer and terminer, justices of gaol delivery, or justices of the peace, or the courts leet, or courts of sewers, usually done, held, or kept in the said court house; and the said commissioners, so to be assigned and appointed for the time being, or any three or more of them, shall have power and authority, by virtue of this act, to give judgement and decree, and to award execution thereupon, with costs,

The number which each parish is to appoint.

Lists to be made out,

to be stuck on the church door, and delivered to the chief bailiff, and a copy to be stuck up in the town hall.

Stile and title of the court.

Three commissioners to sit twice a week, &c.

Power of commissioners.

costs, against the bodies, or against the goods and chattels of all and every the person or persons against whom they shall give any judgement or decree, as to them shall seem just in law or equity.

Chief bailiff to summon a certain number to attend for 1 month.

II. And, for the more orderly and regular proceeding in the said court, and that no undue preference or delay may be made or given in summoning the said commissioners to attend the business of the said court, be it further enacted by the authority aforesaid, That the said chief bailiff, or his deputy (who are hereby impowered and required, from time to time, so to do) shall, within two days next after such several lists shall be returned to him as aforesaid, summon, or cause to be summoned, the first three persons named in each list containing eighteen, the first two persons in each list containing twelve, and the first person named in each list containing six, to attend as commissioners of the said court for one calendar month then next following; and so the like number of persons out of every list, as they shall stand in order and rotation therein respectively, to serve as commissioners from month to month, during the term for which they are chosen commissioners.

Commissioners impowered to sit, tho' not in rotation.

III. Provided always, That nothing herein before contained shall extend, or be construed to extend, to exclude or debar any of the persons who shall be nominated and returned for commissioners as aforesaid (although they be not in rotation) from sitting in the said court; but that all such commissioners shall and may, as often as they shall respectively think fit, sit and give judgement therein; any thing herein before contained to the contrary thereof notwithstanding.

Method of proceedings, and recovery of debts, not exceeding 40s.

IV. And be it enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty nine, it shall and may be lawful to and for every resiant and inhabitant of the said town and borough of *Southwark*, and for all the resiants and inhabitants within the said several parishes of *Saint Saviour*, *Saint Mary* at *Newington*, *Saint Mary Magdalen Bermondsey*, *Christ Church*, late part of *Saint Saviour's*, *Saint Mary Lambeth*, and *Saint Mary* at *Rotherhithe*, in the county of *Surry*, and to and for all and every person and persons renting or keeping any shop, shed, stall, or stand, or seeking a livelihood within the said town and borough, or within any of the parishes, limits, or precincts aforesaid, who now have, or hereafter shall have any debt or debts owing unto him, her, or them, not exceeding the sum of forty shillings, by any person or persons whatsoever, inhabiting, or seeking a livelihood, within the said town and borough, or within any of the parishes, limits, or precincts aforesaid, as aforesaid, to cause such debtor or debtors, so inhabiting, seeking a livelihood as aforesaid, to be warned or summoned by the chief bailiff of the said town and borough for the time being, or his deputy officer or officers (who are hereby appointed, authorized, and required to execute all warrants, precepts, or process of the said court of requests) by writing left at the dwelling-house, or place of abode,

bode, shop, shed, stall, stand, or any other place of dealing of such debtor or debtors, or by any other reasonable warning or notice, to appear before the commissioners of the said court, to be held at or in the place aforesaid; and that the said commissioners, or any three or more of them, shall, after such summons as aforesaid, have full power and authority, by virtue of this act, to make or cause to be made, such acts, order or orders, decrees, judgements, and proceedings, between such party or parties, plaintiffs, and his, her, or their debtor or debtors, defendants, touching such debts, not exceeding the sum of forty shillings, in question before them, as they shall find to stand with equity and good conscience; and all such acts, decrees, judgements, and proceedings, order or orders, shall be entred and registred in a book, to be kept for that purpose by the clerk or clerks of the said court, or his or their sufficient deputy or deputies; and shall be observed, performed, and kept in all parts, as well by the plaintiff, as the debtor or defendant.

Orders, &c. of the court to be registred.

Commissioners impowered to administer oaths.

V. And for the more due and regular proceeding in the said court intended to be established by this act, it is hereby further enacted, That it shall and may be lawful for the said commissioners, or any three or more of them, to administer an oath to the plaintiff or defendant, and to such witness or witnesses as shall be produced by each party, and also to all the officers of the said court, for or concerning any business relative thereunto, if the same commissioners, or any three or more of them, shall so think it meet.

If action for debt under 40s. shall be sued in any other court.

VI. And be it further enacted by the authority aforesaid, That if in any action of debt, or action on the case upon an *Assumpsit* for recovery of any debt to be sued or prosecuted against any person or persons aforesaid, in any of the King's courts at *Westminster*, or elsewhere, out of the said court of requests, it shall appear to the judge or judges of the court where such action shall be sued or prosecuted, that the debt to be recovered by the plaintiff in such action doth not amount to the sum of forty shillings, and the defendant in such action shall duly prove, by sufficient testimony, to be allowed by any the judge or judges of the said court where such action shall depend, that at the time of commencing such action, such defendant was inhabiting and resiant within the said town and borough of *Southwark*, or any of the parishes, limits, and precincts aforesaid, in the county of *Surry*, and was liable to be warned or summoned before the said court of requests for such debt, then, and in such case, the said judge or judges shall not allow to the said plaintiff any costs of suit; but shall award that the said plaintiff shall pay so much ordinary costs to the party defendant, as such defendant shall justly prove before the said judge or judges it hath truly cost him in the defence of the said suit.

The judge to award the defendant costs.

VII. And, for the more effectual establishing of the said court of requests, and the better enforcing the orders and decrees which shall be made by the said commissioners; and that the said commissioners may be invested with proper power and authority

thority, and be free and exempt from any insults or abuses; be it further enacted by the authority aforesaid, That if any person or persons shall contemptuously affront, insult, or abuse all or any of the commissioners of the said court, during their sitting in the said court, it shall and may be lawful to and for the said chief bailiff, or his deputy officer or officers, by order of the said commissioners then sitting, or any three or more of them, to take such person or persons so offending as aforesaid, into custody, and carry him, her, or them before one or more of his Majesty's justice or justices of the peace for the said county of *Surry*, to answer such affront, insult, or abuse; and upon the fact alledged being duly proved, upon the oath or oaths of one or more credible witness or witnesses, against him, her, or them, then, and in such case, the said justice or justices shall proceed to punish such person or persons so offending as aforesaid, by fine or imprisonment, or both; provided that the fine on any one person do not exceed the sum of twenty shillings, and that the imprisonment be for no longer time than ten days.

Penalty of insulting the court.

VIII. And be it enacted by the authority aforesaid, That upon the nonpayment of the said fine, so to be imposed or set upon every person convicted of offending as aforesaid, it shall and may be lawful for the said justice or justices to issue a warrant or warrants, under his or their hands and seals, for levying the said fine or fines so imposed upon the goods and chattels of every such offender or offenders, being then resiant or inhabiting within the said town and borough, or within any of the parishes, limits, or precincts aforesaid, and to cause sale to be made thereof, in case they shall not be redeemed in five days, rendering the overplus, if any, to the owner upon demand, after deducting the reasonable charges of such distress and sale; which fine or fines, when levied or received by virtue of this act, shall be immediately paid over into the hands of the church-wardens or the overseers of the poor of the parish, wherein every such offender shall, at the time of such offence committed, inhabit, dwell, or seek a livelihood, towards the support and maintenance of the poor of the same parish; and if such offender or offenders shall not be resiant or inhabiting within the said town and borough, or within any of the parishes, limits, or precincts aforesaid, or shall not have any goods or chattels within the said town and borough, or within any of the parishes, limits, or precincts aforesaid, whereof such fine or fines can be levied as aforesaid; then, and in such case, and upon nonpayment of such fine or fines, it shall and may be lawful for the said justice or justices, by warrant under his or their hand and seal, or hands and seals, to commit such offender or offenders to the county gaol of the said county of *Surry*, there to remain until he, she, or they shall pay the said fine or fines so imposed as aforesaid, not exceeding one calendar month; and such fine or fines, when levied or received, shall be immediately paid over into the hands of the justice or justices who granted such warrant or warrants,

Fine to be levied by distress and sale.

Offender not being an inhabitant, &c.

and not paying the fines, to be committed.

as aforesaid, to be distributed among the poor prisoners for debt in the said prison, in such manner as he or they shall think fit.

Copy of the two preceding clauses to be stuck up in the court house.

IX. And be it further enacted by the authority aforesaid, That the clerks of the said court, or one of them, shall fix, or cause to be fixed or stuck up, in the most publick part of the court house of the said town and borough, or other place where the said commissioners shall sit to do business as aforesaid, a true copy of the two last preceding clauses of this act, to the end that no person or persons shall or may pretend ignorance in the premisses.

Penalty of wilful or corrupt perjury.

X. And be it further enacted by the authority aforesaid, That in case any person or persons shall make oath, or give evidence, in any cause depending in the said court of requests, whereby he, she, or they, shall commit any wilful or corrupt perjury, and thereof be duly convicted according to law, then every such person or persons shall incur and suffer the like pains and penalties, as any other person or persons convicted of wilful perjury, according to the laws and statutes of this realm.

Clerks appointed.

XI. And be it further enacted by the authority aforesaid, That *John Butler*, of the parish of *Saint Olave Southwark*, in the county of *Surry*, gentlemen, and *Hammett Richardson*, of the parish of *Saint Mary Magdalen Bermondsey* in the county aforesaid, gentleman, are constituted and appointed clerks of the said court of requests during their respective good behaviour therein; who shall and are hereby required to issue out all summonses, warrants, precepts, acts, orders, decrees, judgments, attachments, and proceedings of the said court; and shall keep proper books, wherein shall be entered and registered all acts, orders, and proceedings of the same court.

Method of choosing clerks.

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners in court, or the major part of them, on the next court day after the death, resignation, or legal amoval of both or either of the said *John Butler*, and *Hammett Richardson*, the clerks appointed by this act, or so soon after as the same is publickly known, and they are hereby required, to cause the whole number of commissioners to be summoned, who, next before such death, resignation, or amoval, were nominated and returned, as aforesaid, to meet at the place aforesaid, within twenty days next after their being summoned as aforesaid; and such commissioners at such meeting are hereby authorized, impowered, and required, by ballot, to elect and choose another person or persons in the room of both or either of the said *John Butler* and *Hammett Richardson* so dying, resigning, or being amoved as aforesaid, for the uses and purposes in this act contained; and so from time to time, upon every vacancy of the said office of clerk, for ever.

Commissioners not to act till they have taken the oath following.

XIII. And be it further enacted by the authority aforesaid, That no person or persons shall be capable of acting as commissioner or commissioners in the execution of the powers given by this act, until such time as he and they shall respectively have taken an oath to the effect following:

I A. B. *do swear, That I will faithfully, impartially, and honestly, according to the best of my judgement hear and determine such matters and things as shall be brought before me by virtue of an act of parliament, intituled,* An act for the more easy and speedy recovery of small debts, within the town and borough of *Southwark*, and the several parishes of *Saint Saviour*, *Saint Mary* at *Newington*, *Saint Mary Magdalen Bermondsey*, *Christ Church*, *Saint Mary Lambeth*, and *Saint Mary* at *Rotherhithe*, in the county of *Surry*, and the several precincts and liberties of the same; *without favour or affection to either party.* The oath.

Which oath the said clerks, or one of them, is or are hereby impowered to administer; and shall cause a memorial thereof to be entered among the records of the said court. Clerk to administer and register the oath.

XIV. And be it further enacted by the authority aforesaid, That the several fees and sums of money, hereafter limited and expressed, and no more or greater fees, shall and may be taken for the respective services of the bailiff and clerks; that is to say,

*For every summons, to the bailiff three pence, to the clerk three pence.* Table of Fees.

*For every hearing, to the bailiff one penny, to the clerk three pence.*

*For an attachment against the defendant for not appearing to the summons, to the bailiff one shilling and two pence, to the clerk six pence.*

*For giving notice to the complainant of the service of the attachment, to the bailiff four pence.*

*For an execution, to the bailiff one shilling and two pence, to the clerk ten pence.*

*For paying money into court, to the bailiff one penny, to the clerk seven pence.*

*For acknowledging satisfaction in full, to the bailiff two pence, to the clerk four pence.*

*For acknowledging satisfaction in part, to the bailiff one penny, to the clerk three pence.*

*For searching the books, to the clerk two pence.*

*For calling the defendant before the court, when he refuses to appear, to the bailiff two pence, to the clerk two pence.*

*For the complainant's marking his appearance, to excuse his attendance the first court day, to the clerk four pence.*

*For a nonsuit on the plaintiff not appearing, to the clerk two pence.*

A table of which said fees shall be hung up by the clerks of the said court, or one of them, in some publick and conspicuous part of the said court house, or other place where the said commissioners shall meet for the purposes aforesaid, to the end that all persons concerned may, at all times, see and read over the same; and if the said chief bailiff for the time being, or any of his officers, shall take or demand any greater or other fees, than as above mentioned, or shall otherwise misbehave himself or themselves Table of fees to be hung up in the court house. Officers taking other fees, or misbehaving to forfeit 20l.

themselves in the execution of his or their office, then he and they, for every such offence, shall forfeit and pay the sum of twenty pounds to any person or persons, who shall sue for the same in any of his Majesty's courts of record at *Westminster*, together with full costs of suit, by action of debt, bill, plaint, or information; in which no essoin, privilege, protection, or wager of law, or any more than one imparlance shall be allowed; so that such action or suit be commenced within three calendar months after the offence be committed, and not otherwise.

and costs.

Actions to be commenced in 3 months.

Regulations on complaint of misbehaviour of clerks.

XV. And be it further enacted by the authority aforesaid, That upon complaint made by any person or persons, of the misbehaviour or breach of duty of any clerk or clerks appointed or to be appointed by virtue of this act, or of any clerk or clerks taking or demanding any greater or other fees than as abovementioned, it shall and may be lawful to and for the said commissioners then sitting in court to inquire into the nature of such complaint; and if it shall appear to the said commissioners, or the major part of them, that such complaint deserves the consideration of the whole number of commissioners nominated and returned, as aforesaid, then such commissioners so sitting in court, as aforesaid, are hereby directed and required to cause the whole number of commissioners to be summoned to meet as soon as conveniently may be, by publick notice to be given in the several parish churches within the said district, by the parish clerks thereof, immediately after divine service, on the *Sunday* morning next before such meeting is to be held, such *Sunday* being at least four days before the holding of such meeting, and examine into the merits of such complaint; and if it shall then appear to such commissioners, or the major part of them, that such clerk or clerks have or hath been guilty of a gross misbehaviour, or breach of duty, in his or their office, that then it shall and may be lawful to and for the said commissioners, or the major part of them, to suspend or remove such clerk or clerks from his or their said office, and to elect and choose another person or persons in his or their room.

Limitation with respect to certain debts, &c.

XVI. Provided always, That this act, or any thing therein contained, shall not extend to any debt for any rent upon any lease of lands, or tenements, or any other real contracts, nor to any other debt that shall arise by reason of any cause concerning testament or matrimony, or any thing concerning or properly belonging to the ecclesiastical court, albeit the same shall be under forty shillings; any thing before contained to the contrary in any wise notwithstanding.

Limitation of actions.

XVII. And be it enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any matter or thing done or to be done in pursuance of this act; then, and in such case, such action or suit shall be brought or commenced within three calendar months next after the fact committed, and not afterwards; and the defendant or defendants in such action or suit to be brought, shall and may plead the general issue, and give this act, and the special

General issue.

special matter in evidence at any trial to be had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his or their action or actions, suit or suits; or if upon verdict or demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedy for the same, as any defendant or defendants hath or have in any other cases by law.

Treble costs.

XVIII. Provided always, and be it further enacted by the authority aforesaid, That the affirmation or affirmations of the people called *Quakers*, shall be allowed of and taken in all cases where any oath or oaths is or are directed to be taken by this act, instead of such oath or oaths; and shall be administered by the same persons, as such oath or oaths is or are to be administered; and every person making such affirmation, who shall be convicted of wilful and false affirming, shall incur and suffer the same penalties and forfeitures, as are inflicted and imposed by any laws and statutes in this realm, upon persons convicted of wilful and corrupt perjury.

Quakers affirmation allowed.

Penalty on false affirming.

XIX. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a publick act; and be judicially taken notice of as such by all judges, justices, and all other persons whatsoever, without specially pleading the same.

Publick act.

## CAP. XLVIII.

*An act to ascertain and establish the method of proceeding to and upon outlawries for high treason, and misprision of high treason, in* Scotland.

WHEREAS *by virtue of an act of parliament made in the seventh year of the reign of her late majesty Queen* Anne, *intituled*, An act for improving the union of the two kingdoms, *all proceedings upon indictments for high treason, or misprision of high treason, committed in* Scotland, *ought to be according to the laws of* England: *and whereas doubts may arise touching the method of proceeding in* Scotland *to outlaw persons, against whom bills of indictment are or may be found there for high treason, or misprision of high treason, by reason of the different forms of proceeding of the courts of justice in* England, *and in* Scotland, *and of the different kinds of officers to carry the same into execution:* now, in order to remove all such doubts, and to establish one certain, clear, and plain order and method of proceeding to outlawry against persons who have been, or shall be indicted for high treason, or misprision of high treason, in *Scotland*; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in case any person or persons is, are, or shall be indicted for high treason, or misprision of high treason, before any court of justice in *Scotland*, having jurisdiction to take such indictments, and shall not be in custody for the same, the court wherein such indictment is or shall be found, or to which the same is or shall

7 Annæ, c. 21.

The court before whom any indictment for high treason, or misprision shall be found, to issue writs of Capias a-

gainst the party if not in custody, &c.

shall be duly certified, shall have full power and authority, and are required, to issue one writ of *Capias* against the person or persons so indicted, being so out of custody as aforesaid, directed to the sheriff or stewart of the county, shire, or stewartry, wherein such indictment is or shall be found, and made returnable in the same court, forty two days at the least after the teste thereof, or a longer time, by the discretion of the said court, if the case requires it; which writ shall be delivered to such sheriff or stewart, who shall endeavour to find and apprehend the defendant or defendants named in such writ, within his county, shire, or stewartry; and if the defendant or defendants shall be named in the said writ of any parish or place which lies in any county, shire, or stewartry, other than that in which such indictment shall be found, then the said court shall issue one other writ of *Capias* to the sheriff or stewart of such other county, shire, or stewartry, of the same teste, return, and import with the said first-mentioned writ of *Capias*; and if such respective sheriff or stewart shall return to both the said writs, or to the said first-mentioned writ of *Capias* (in cases where only one shall be necessary to be issued) that the said defendant or defendants is or are not to be found within the respective counties, shires, or stewartries of such sheriff or stewart, then the same court shall issue two other writs, the one a writ of proclamation, the other a writ of exigent, and tested the day of the return of the said writ or writs of *Capias*, and directed to the sheriff or stewart of the county, shire, or stewartry in which the parish or place, house or estate of which the defendant or defendants is, are, or shall be named or described in the said indictment lieth; and such writs shall be both returnable on one and the same future day, and shall be delivered to such sheriff or stewart, who shall execute and return the same in the manner following (that is to say) by virtue of the said writ of proclamation, the said sheriff or stewart shall cause the said defendant or defendants to be proclaimed three times (that is to say) once at the court of the sheriff or stewart depute of such shire or stewartry, and a second time at the quarter sessions of the peace to be held for the same county, shire, or stewartry, and a third time near to the church door, or if there shall be no church, in some publick part of the parish or place of which the said defendant or defendants shall be named or described in the said indictment, between the hours of ten of the clock in the morning, and two in the afternoon, and such third proclamation shall be made twenty eight days at least before the fifth and last sheriff's or stewart's depute court, at which the said defendant or defendants are to be called by virtue of the said writ of exigent, in the manner herein after-mentioned; and by virtue of the said writ of exigent, the said sheriff or stewart shall cause the defendant or defendants to be called to appear at each of the five successive courts to be held by the sheriff or stewart depute for the said county, shire, or stewartry; and if the defendant or defendants shall not appear and surrender himself or themselves, so as to be forth coming to justice at some

or writs of proclamation and exigent.

Manner of execution, and last return of the writs.

some one or other of the said courts, at which he or they shall be so proclaimed or called as aforesaid, the said sheriff or stewart depute shall, at the last of the said five courts, pronounce judgment of outlawry against him, her, or them, and shall sign such judgment of outlawry; and the sheriff or stewart of such county, shire, or stewartry, shall return the same, and the writs of proclamation and exigent, into the court from whence the same shall issue, together with indorsements on each, certifying that the said sheriff or stewart has done every thing required of him by the said writs, and that the defendant or defendants did not appear (if that shall be the case) and thereupon such defendant or defendants shall be and be deemed to be outlawed for such high treason, or misprision of high treason respectively, according to law, to all intents and purposes whatsoever; and the defendant or defendants so outlawed for high treason, shall be and be deemed to be attainted of such high treason as is or shall be mentioned and contained in such indictment, and shall be subject and liable to such and the like execution and corruption of blood, and to such and the like pains, penalties, forfeitures, and processes, with respect to their estates real and personal, moveable and immoveable, to which persons attainted of high treason are by law subject and liable; and the defendant or defendants so outlawed for misprision of high treason, shall be subject and liable to all such and the like forfeitures, and to all such and the like processes, out of the court where the said writ or writs, proclamation or proclamations, and judgment of outlawry shall be returned, and also out of the court of *Exchequer* in *Scotland*, to seize and take the person and estate, and goods moveable and immoveable, real and personal, of such defendants so outlawed for misprision of high treason, as persons outlawed according to the law of *England* for misprision of high treason are liable and subject to; and all defendants outlawed for high treason, or misprision of high treason, in *Scotland*, shall, as near as can be, have all such and the like writs, means, methods, remedies, and advantages, in such and the like manner and time, and on such and the like terms and conditions, for avoiding, falsifying, or reversing any such outlawry, as may be had by the law and usage of *England* in the like cases (excepting so far as the forms of proceeding are varied and settled by this act) and all the writs herein before mentioned, with the returns thereof, and judgments of outlawry, shall be recorded and preserved in the court to which the said writs shall be returned, unless removed by due course of law.

Defendants not appearing, to be outlawed, and attainted.

Outlawed persons to have the remedies allowed by the laws of England.

The writs, with the returns and outlawries, to be recorded.

II. And whereas the courts of the sheriff, or stewart depute in *Scotland*, are not held at certain stated times, which might occasion uncertainty and delay in the before-mentioned proceedings, be it enacted by the authority aforesaid, That such sheriffs or stewarts, to whom the said respective writs of proclamation and exigent shall be directed and delivered, shall, and they are hereby impowered and required forthwith to cause five successive courts of the sheriff or stewart depute to be held for the purposes

Five successive courts to be held by the sheriff to whom writs of exigent shall be directed.

purposes before-mentioned, in such manner as shall be necessary for the due execution of the said writs, three days notice being first given, before the first court, at the head borough of the county or stewartry, of the times and places where such courts shall be held; and the first of the said five successive courts, at which the defendant or defendants is or are to be called by virtue of the writ of exigent, shall be held within twenty days after the delivery thereof to the sheriff or stewart, and each of the four successive courts shall be held at the end of four weeks from the court preceeding.

Forms of the several writs, and their execution.

Writ of *Capias*.

III. And be it further enacted by the authority aforesaid, That all the said writs of *Capias*, proclamation, and exigent, shall be in the name of his Majesty, his heirs and successors, under the seal of such courts from whence the same shall issue, and such writ of *Capias* shall contain a command to the sheriff or stewart, to take the defendant or defendants, and bring him, her, or them before the court whence the said writ shall issue, at a certain time and place therein to be mentioned; and the writ of proclamation shall command such sheriff or stewart to take the defendant or defendants, and have him, her, or them before such court, at a certain time and place therein to be mentioned, and if he, she, or they cannot be found within his shire or stewartry, then to cause publick proclamation to be made in the court of the sheriff depute, or stewart depute, at the general quarter sessions of the peace, to be held for the same shire or stewartry, and at the door of the church or place, or if no church, at some open part of the place, of which such defendant or defendants is, are, or shall be named or described in such indictment, that he, she, or they be before the court from whence such writ shall issue, at a certain time and place therein to be mentioned; and the said writ of exigent shall contain a command to the sheriff or stewart, to cause the defendant or defendants to be called, from court to court of the sheriff, or stewart depute, until he, she, or they be outlawed; and if he, she, or they shall appear, then to take him, her, or them, and have his, her, or their body or bodies before the court, whence such writ of exigent shall issue, at a certain time and place therein to be mentioned, to answer to his Majesty, his heirs or successors, for the crime of which he, she, or they is, are, or shall be indicted.

Writ of proclamation.

Writ of exigent.

Persons being out of the kingdom, and returning within a year, may traverse the indictment.

IV. And be it further enacted by the authority aforesaid, That if any person so to be outlawed for high treason as aforesaid, shall, at the time of such outlawry pronounced, be resiant or inhabitant out of the limits of this kingdom of *Great Britain*, and such person shall, within one year after such outlawry pronounced, yield himself or herself to the lord justice general, justice clerk, or any of the commissioners of justiciary in *Scotland*, he or she shall be at liberty to traverse the indictment on which such outlawry shall be pronounced, and take his or her trial thereupon; and in case he or she, on such trial, shall be found not guilty, by verdict of the jury, he or she shall be clearly acquitted

quitted and discharged of the said outlawry, and all penalties and forfeitures for the same, in as large and ample a manner and form, as though no such outlawry had been made.

## CAP. XLIX.

*An act for making a free market for the sale of fish in the city of* Westminster; *and for preventing the forestalling and monopolizing of fish; and for allowing the sale of fish, under the dimensions mentioned in a clause contained in an act of the first year of his late Majesty's reign, in case the same are taken with a hook.*

WHEREAS *a free and open market for fish in the city of* Westminster *would greatly tend to increase the number of fishermen, and improve and encourage the fishery of this kingdom*; may it please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June* one thousand seven hundred and forty nine, there shall be a free and open market held in the city of *Westminster* for all sorts of fish whatsoever; and that it shall and may be lawful for any person or persons to buy or sell any sort of fish in the said market, without any disturbance or molestation whatsoever; nevertheless yielding and paying such sums as are herein after-mentioned.

A free market for fish to be held in Westminster.

II. And to the end the said intended market may be erected, established, and maintained, under such rules and regulations as are by this act herein after directed and prescribed; be it further enacted by the authority aforesaid, That lieutenant general *James Oglethorpe*, the right honourable *Granville Leveson Gower* esquire, commonly called lord viscount *Trentham*; the right honourable *George Doddington* esquire, Sir *Peter Warren* knight of the *Bath*, Sir *Bouchier Wrey* baronet, Sir *Robert Grosvenor* baronet, Sir *John Crosse* baronet, Sir *Richard Lloyd* knight, *John Laroche* esquire, *George Harrison* esquire, *Thomas Fonnereau* esquire, reverend doctor *Scawen Kenrick*, *William Lowndes* esquire, captain *Philip Durell*, *Thomas Wyndham* esquire, *Thomas Smith* esquire, *Harman Verelst* esquire, *George Payne* esquire, *Henry Cheere* esquire, *Daniel Gell* esquire, *Francis Hutchinson* esquire, *William Pearce* esquire, the reverend *Wilson* D. D. one of the prebendaries of the collegiate church of Saint *Peter*, *Westminster*; *Richard Combes* esquire, *Francis Gwyn* esquire, *Edward Vernon* esquire, shall, from and immediately after the passing of this act, be, and are hereby appointed trustees for putting this act in execution; and they, or the survivors of them, or any five or more of them, are hereby invested with all and every the powers and authorities given and granted by this act.

Trustees names.

III. *And whereas a sum of money will be necessary for preparing a proper place for the said market, and in maintaining and keeping the*

Duties to be paid by fishermen.

*the same in repair, and other incidental charges attending the same*; be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and forty nine, there shall be paid to the said trustees, or such other person or persons as the said trustees, or any five or more of them, shall, from time to time, appoint to receive the same, the following sums by every fisherman, or other person or persons, selling any sort of fish in the said market, for coming with his boat or vessel to, or landing, standing, being, or selling in or at the said market; that is to say,

The duties.

*For each vessel laden with salt fish, for groundage, the sum of eight pence for each day, and twenty pence for each voyage.*

*For each lobster-boat, dogger-boat, smack, or other vessel, laden with fresh sea fish, the sum of two pence for each day for groundage, and thirteen pence each voyage.*

*For every oyster-vessel or cock two pence each day for groundage, one halfpenny for each bushel for metage, and thirteen pence each voyage.*

Duties vested in the trustees;

Which said several sums shall, and they are hereby declared to be vested in the said trustees, and their successors; and the same, and every part thereof, shall be paid, applied, and disposed of, and assigned to and for the several uses, intents, and purposes, and in such manner, as is herein after-mentioned and directed; and it shall and may be lawful to and for the said trustees, or any five or more of them, or such person or persons as they, or any five or more of them, under their hands and seals, shall, at a general meeting, nominate and appoint, to demand and take the sums hereby granted and made payable; and to levy the same upon any person or persons who shall, after demand thereof made, neglect or refuse to pay such sums as aforesaid, by distress of any boat or boats, or the tackle or furniture thereto belonging, or there found, and belonging to the person or persons, who by this act are made liable to the payment of the same; and to detain and keep such goods and chattels so distrained, until such sums, with the reasonable charges of such distraining and keeping, shall be paid; and such person and persons so distraining, after the space of three days after such distress made and taken, shall and may sell the goods so distrained, returning the overplus, if any be, upon demand, to the owner thereof, after such sums, and the reasonable charges for distraining and keeping the same, shall be deducted and paid.

and may be levied by distress and sale.

Trustees impowered to borrow money, and assign the duties.

IV. *And whereas the money to be collected by virtue of this act, will not immediately raise a sufficient stock for effecting the purposes thereof*; be it therefore enacted by the authority aforesaid, That from and after the passing this act, the trustees appointed or to be appointed to put the same in execution, or any five or more of them, shall and may, from time to time, at a general meeting held by them for that purpose, by any writing under their hands

hands and seals, assign over the said sums arising by virtue of this act, or any part thereof, as a security for any sum or sums of money to be borrowed by the said trustees for the purposes of this act, to such person or persons, or their trustees, who shall advance and lend the same, to secure the payment thereof, with such interest as shall be agreed upon, not exceeding five pounds *per centum per annum*.

Application of monies.

V. And be it further enacted by the authority aforesaid, That out of the money arising by the said sums granted by this act, or the money borrowed on the credit thereof, as aforesaid, the said trustees, or any five or more of them, at a publick meeting assembled, shall in the first place pay and discharge all expences and charges incurred in passing this act of parliament; and in the next place, shall pay and discharge the expences of laying out, making, and erecting a commodious place for the said market, and in finishing and keeping the same in repair, and all other necessary expences attending the execution of this act.

Trustees to appoint officers,

VI. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, shall and may, at the first or any succeeding general meeting, by writing under their hands and seals, chuse and appoint one or more fit person or persons to be collector or collectors of the sums aforesaid; and shall appoint one or more treasurer or treasurers, and all other necessary officers, as to them shall appear proper for the better execution of the powers contained in this act, allowing to such person or persons so by them appointed, such salaries or other rewards for their trouble as to the said trustees, or any five or more of them, shall appear just and reasonable; and the said trustees, or any five or more of them, shall and they are hereby impowered to remove or displace such treasurer or treasurers, collector or collectors, or other person or persons whatsoever, so by them from time to time appointed, and to place others in their stead; and the person or persons so appointed to collect and receive the said sum or sums, and also such treasurer or treasurers so appointed as aforesaid, shall, before the said trustees, or any five or more of them, upon the first *Monday* in every month, or oftener, if thereunto required by the said trustees as aforesaid, give in a true, exact, and perfect account in writing, under their respective hands, of all the monies, which he or they, and every or any of them, shall to such time have received, paid, and disbursed by virtue of this act, by reason of their respective offices; and produce vouchers for the same, and shall pay over such balance to such person or persons, as the said trustees, or any five or more of them, shall at such meeting direct; and in case such treasurer or treasurers, collector or collectors, shall refuse to give in such account as often as required by the said trustees, or any five or more of them, at a general meeting, such person or persons so refusing shall be committed to the common gaol of the said city and liberty, by warrant under the hand and seal of any one of his Majesty's justices of the peace for the said city and liberty of *Westminster*, upon application

and remove them.

Collector and treasurer to account upon oath,

and to produce vouchers, and pay over the balance,

and in default, to be committed.

application made to him by two of the said trustees, there to remain without bail or mainprize, until he or they shall make or render in a true, exact, and perfect account of their receipts and disbursements by virtue of this act; and shall have produced and delivered up all vouchers relating thereto; and shall have likewise paid over the money due on such account to such person or persons as the said trustees, or any five or more of them, shall direct and appoint to receive the same.

The trustees to deliver yearly to the justices, an account of receipts and disbursements,

VII. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, shall yearly and every year, within six weeks next after the twenty fifth day of *December*, make up, and deliver in to the justices of the peace acting within the said city of *Westminster*, at any petty or special sessions assembled, a just, true, and perfect account in writing, fairly entered in a book or books to be kept for that purpose, and signed by the said trustees, or any five or more of them, of all and every sum and sums of money which they shall know to have been received or disbursed under the authority of this act, during the preceeding year, with the balance (if any) remaining in the hands of the said trustees; and such accounts shall be kept by the clerk of the said sessions among the records thereof, to be inspected by any person or persons desiring the same, upon payment of one shilling to the said clerk; and if any surplus of the said sums shall remain in the hands of the said trustees, the same is hereby appropriated to, and shall be applied yearly and every year by them, within twelve months next after the delivering of such accounts to the said justices as aforesaid, in the binding out boys apprentices to fishermen, masters of ships, or some other person or persons employed in the sea service; such boys to be chosen by a majority of the said trustees at a general meeting to be held for that purpose.

to be kept among the records, &c. Surplus to be applied in apprenticing sea-boys.

Fish bought in the market, may be sold in any other place.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any fishmonger, or other person or persons whatsoever, who shall buy any fish in the said market, to sell the same again in any other place or places, within the said city of *Westminster*, or elsewhere, being sound and wholsome fish, without any lett or disturbance from any person or persons whatsoever for so doing; any law or statute to the contrary thereof in any wise notwithstanding.

Contracts between fishermen and fishmongers before 29 Sept. 1749, declared void;

IX. *And whereas the laws now in being have proved insufficient to prevent the monopolizing and forestalling of fish*; be it further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and forty nine, all and every contract or contracts, which shall, before that time, have been made, and which are to take effect after the said twenty ninth day of *September*, one thousand seven hundred and forty nine, between any fishermen and fishmongers, or between any other persons whatsoever, in regard to the sale of fish to be afterwards sold by retale, shall be, and are hereby declared to be absolutely void; and all such contracts, which are or shall be made to take effect in part before the said twenty ninth

ninth day of *September*, one thousand seven hundred and forty nine, shall be, and are hereby declared to be void, so far as they shall relate to, or be intended to take effect at any time subsequent to the said twenty ninth day of *September*, one thousand seven hundred and forty nine; and if from and after the said twenty ninth day of *September*, one thousand seven hundred and forty nine, any fisherman, fishmonger, or any other person or persons, whatsoever, shall enter into, or make any contract or contracts for buying up fish to be sold again by retale, before such fish shall be brought to an open market, and there exposed to publick sale, such contract or contracts are hereby declared to be absolutely void; and each and every party so contracting, as well the buyer as the seller, shall forfeit and pay for every such offence, the sum of fifty pounds, to be recovered and levied in manner herein after-mentioned; one moiety whereof shall be paid to the said trustees appointed by this act, or any five or more of them, or their order, to be placed to the general account, to be appropriated as aforesaid, and the other moiety to such person or persons as shall inform, sue for, and recover the same.

Contracts to take effect in part before 29 Sept. to be void.

Penalty on contracting for fish to be sold by retale, before the same shall be brought to market.

Application of the forfeiture.

X. Provided always, That if either of the parties so contracting as aforesaid, shall, before any information made against him, inform against the other, such party so informing, so as such other party may be duly convicted of such offence, shall not only be acquitted from the said penalty, but shall also be intitled to sue for in his, her, or their own name, and recover the whole forfeiture incurred by the other; one moiety thereof to be paid to the said trustees, and appropriated as aforesaid; and the other moiety to such person or persons who shall sue for and recover the same.

Either party informing, to be intitled to the forfeiture.

Application of the forfeiture.

XI. Provided always, That nothing in this act contained, shall extend, or be construed to extend, to make void any contracts already made, or to prevent any contracts to be made by any fishmonger or fishmongers, or any person or persons whatsoever, in regard to fresh salmon or soles brought by land carriage, or to oysters, or salt or dried fish.

Contracts for fresh salmon, soles, oysters, salt or dried fish to subsist.

XII. *And lest fishermen, and other persons employed in catching, importing, or vending of fish, should bring fish to* Queenborough, Gravesend, *or some other place or places in the river of* Thames, *and there keep it for a considerable time, and send only small quantities, from time to time, to market, with a view to keep up the price of the several species of fish, which such person or persons respectively import or trade in; which practice will not only tend to enhance the value of fish, but also to render it unwholsome food, to the great prejudice of the consumer, as well as the fishery in general*; to prevent such practices, be it further enacted by the authority aforesaid, That if any fisherman, or other person or persons whatsoever, natives or foreigners, shall keep any fish at *Queenborough*, *Gravesend*, or other place or places, in any well-boat, store-boat, or any other manner whatsoever, so as not to sell off their whole cargoe of fish, within the space of eight days, from their arrival on

Penalty on fishermen not selling their fish within 8 days from their arrival on the coast

between Yarmouth and Dover.

on the *British* coast, between *North Yarmouth* and *Dover*, after their first arrival at the respective place or places as aforesaid, every person or persons so offending, and being thereof lawfully convicted by the confession of the party, or the oath of one or more credible witness or witnesses, shall, for every such offence, forfeit the whole cargoe of fish belonging to him, and also the vessel, with her tackle, apparel, and furniture, to be levied by distress and sale, by warrant under the hand and seal of any one or more of his Majesty's justices of the peace for the respective county where the offence shall be committed; which warrant or warrants the said justice or justices is and are hereby impowered and required to make, upon the information on oath of one or more credible witness or witnesses (which oath the said justice or justices is and are hereby impowered and required to administer;) and the said produce thereof shall go and be applied, one moiety to the use and benefit of the informer or informers, and the other moiety to the poor of the parish where the offence shall be committed.

Application of the forfeiture.

XIII. *And whereas the commissioners for building a bridge cross the river* Thames, *from the* New Palace Yard *in the city of* Westminster, *to the opposite shore in the county of* Surrey, *are possessed of a piece of ground near* Cannon Row *in the said city of* Westminster, *which is conveniently situate for holding the said intended market*; be it therefore enacted and declared by the authority aforesaid, That the said commissioners are hereby authorized and impowered to make a grant of the said piece of ground, to the trustees appointed by this act, and their successors, to be made use of for holding the said intended market; for the grant of which ground the said trustees shall pay the said commissioners the sum of five pounds, as the consideration or purchase-money for the same.

Commissioners for the Westminster Bridge, impowered to make a grant of a piece of ground for the market.

5 l. purchase-money.

Property of the market vested in the trustees.

XIV. And be it further enacted by the authority aforesaid, That the right and property of all the buildings, and the materials employed therein for making the said market commodious, shall be vested in the said trustees, appointed or to be appointed to put this act in execution, and they, or any five or more of them, are hereby authorized and impowered to bring actions, or prefer bills of indictment, against any person or persons who shall steal, take away, break down, or otherwise damage such building or materials employed therein.

No trustee to accept of any place of profit.

XV. Provided always, and be it further enacted and declared, That no person or persons, appointed or to be appointed by this act a trustee or trustees for putting the same in execution, shall have or accept of any place of profit arising out of, or by reason of any sums by this act laid or granted; but such person or persons shall be incapable of acting as a trustee or trustees from the time of his accepting, and during the enjoyment of such place of profit as aforesaid.

On death or removal of trustees, others to be chosen.

XVI. And for continuing a sufficient number of trustees for putting this act in execution, be it further enacted by the authority aforesaid, That when and as often as any trustee or

trustees shall die, or, by writing under his or their hand, refuse to act, it shall and may be lawful for such of the said trustees as shall then survive or remain, or any seven or more of them, at any general meeting, by any writing or writings under their hands and seals, to elect, nominate, and appoint one or more fit person or persons in the room or place of such trustee or trustees so dying or refusing to act as aforesaid; and such person or persons so elected, nominated, or appointed, shall be joined with such surviving or remaining trustees, in execution of all and every the powers in them reposed by virtue of this act.

XVII. And be it further enacted by the authority aforesaid, That the first meeting of the said trustees shall be on the second *Monday* in *July*, at the house known by the name of the *King's Arms* in the *New Palace Yard*, in the city of *Westminster*; and they shall have power to adjourn their succeeding meetings, from time to time, and to such places, as they shall think fit. First meeting of the trustees.

XVIII. And be it further enacted by the authority aforesaid, That all bonds, or other securities whatsoever, to be entered into, or given, for not suing or recovering any penalty or forfeiture incurred or to be incurred by virtue of this act, shall be, and they are hereby declared to be absolutely null and void; any law, statute, custom, or usage to the contrary notwithstanding. Bonds for not suing for any penalty, declared void.

XIX. And be it further enacted by the authority aforesaid, That all penalties and forfeitures incurred or inflicted by virtue of this act, if not otherwise by this act directed to be recovered, shall and may be prosecuted and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection, privilege, wager of law, or more than one imparlance shall be allowed; and such forfeitures shall go and be applied (if not otherwise directed by this act) one moiety thereof to the person or persons who shall inform, sue for, or recover the same; and the other moiety to the poor of the parish where the cause of action shall arise. Forfeitures how to be recovered and applied.

XX. Provided always, and be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, every such action or suit shall be brought within six months next after the fact committed, and not afterwards; and shall be laid or brought in the county or place where such offence shall be committed, and not elsewhere; and the defendant or defendants, in every such action or suit so to be brought, shall and may plead the general issue, not guilty, and give this act, and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, or that such action or suit shall be brought after the time limited for bringing the same as aforesaid, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuited, or discontinue Limitation of actions. General issue.

his action, after the defendant or defendants shall have appeared, or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedy for the same, as any defendant or defendants hath or have in any case by law.

Treble costs.

XXI. *And whereas by an act of the first year of the reign of his late majesty King* George *the First, intituled,* An act for the better preventing fresh fish taken by foreigners being imported into this kingdom; and for the preservation of the fry of fish; and for the giving leave to import lobsters and turbets in foreign bottoms; and for the better preservation of salmon within several rivers in that part of this kingdom called *England*; *it is enacted, That no bret, turbet, bril, or pearl, codlin, whiting, mullet, bass, place, soles, or flounders, which shall not be of the several lengths or sizes therein described, shall be sold, offered or exposed to sale, or exchanged for any other goods, in that part of* Great Britain *called* England: *and whereas several of the said fish are taken with a hook, and though thrown again into the sea, cannot be preserved alive*; be it enacted by the authority aforesaid, That fish under such dimensions, as are prohibited by the said recited clause, may be exposed to sale, or exchanged for any other goods, provided such fish are taken with a hook, and so not fit or capable of being preserved alive; any thing contained in the said recited act to the contrary notwithstanding.

1 Geo. 1. c. 18.

Fish under size, if taken with a hook, may be sold.

## CAP. L.

An act for the better repairing the highways, and cleansing the streets, within the parish of Saint Leonard Shoreditch, in the county of Middlesex; and for better enlightening the open places, streets, lanes, passages, and courts there; and regulating the nightly watch, and bedels, within the said parish.

## CAP. LI.

An act for enlarging the term and powers granted by an act passed in the twentieth year of the reign of his present Majesty, for repairing the high road leading from the town of Stockton upon Tees to Darlington, and from thence through Winston to Barnard Castle in the same county, and for the effectual amending of the same.

*The act* 20 *Geo.* 2. *c.* 25. *continued for* 15 *years.*

## CAP. LII.

*An act for vesting the several estates of* James *late earl of* Derwentwater, *and* Charles Radcliffe, *deceased, comprized in several settlements therein mentioned, in trustees, for an absolute estate of inheritance, for the benefit of the royal hospital at* Greenwich; *and for raising certain sums of money out of part of the said estates, for the relief of the children of the said* Charles Radcliffe.

WHEREAS *by indentures of lease and release, the lease bearing date the day next before the day of the date of the release, and the release being quadripartite, bearing date the twenty fourth day of* March, Anno Domini *one thousand six hundred and ninety*

*one*

*one, and made between the right honourable* Francis *late earl of* Derwentwater *of the first part; the right honourable* Edward Radcliffe *esquire, by the name of* Edward *lord viscount* Radcliffe *and* Langley, *eldest son and heir apparent of the said earl, of the second part; the honourable* Francis Radcliffe, Thomas Radcliffe, William Radcliffe, *and* Arthur Radcliffe, *esquires, younger sons of the said* Francis *earl of* Derwentwater, *of the third part; and Sir* John Lawson, *baronet, and* Francis Tunstall *esquire, of the fourth part; all that the manor and lordship of* Alstone, *alias* Aldstone Moore, *and* Garrigill, *and all and every the rights, members, and appurtenances thereunto belonging, situate, lying, and being in the county of* Cumberland; *and all those messuages, lands, and tenements, situate, lying, and being in* Corbridge, *in the county of* Northumberland; *and all those two parts, the whole in three parts to be divided, of the manor and lordship of* Newton Hall *in the said county of* Northumberland, *with the appurtenances; and all that messuage or tenement, with the appurtenances, called* Shewing Sheels, *lying in the county of* Northumberland *aforesaid; and all that tenement or farmhold, with the appurtenances, called* Blackaburne, *lying in the said county of* Northumberland; *and all those messuages, lands, and tenements, with the appurtenances, situate, lying, and being in* Alnwick *in the said county of* Northumberland; *and all that moiety or one half part of the village or township of* Buteland, *lying and being in the parish of* Chollerton *and county of* Northumberland *aforesaid, and all the lands and grounds thereunto belonging; and also the moiety of one tenement or farmhold, with the appurtenances, called* Broomeup, *lying and being in the parish and county aforesaid, and all the lands and grounds thereunto belonging; and also the moiety or one half part of a tenement or farmhold, with the appurtenances, called* The Steele, *and the lands and grounds thereunto belonging; and also the moiety or one half part of a tenement or farmhold with the appurtenances called* Hindhaugh, *lying and being in the parish and county aforesaid, and all the lands and grounds thereunto belonging; and also the moiety or one half part of a tenement or farmhold, with the appurtenances, called* The Fellin, *lying and being in the parish and county aforesaid, and all the lands and grounds thereunto belonging; and also the moiety or one half part of a tenement or farmhold, with the appurtenances, called* The Stidley Hill, *lying and being in the parish of* Cossensyde *in the county aforesaid, and all the lands and grounds thereunto belonging; and all those messuages, lands, and tenements, situate, lying, and being in* Leehouses, Spittle, New-Biggin, Wooley, East Whitleys, West Whitleys, Lesbury, Kirke Whelpington; *one water corn mill called* Wooley Mill; *all situate, lying, and being in the said county of* Northumberland; *and all those rectories and parsonages of* Kirke Whelpington, Harburne, *alias* Hartburne, *and* Midford, *lying and being in the said county of* Northumberland; *and all the glebe lands, tythes, oblations, obventions, profits, and hereditaments whatsoever, to the said several rectories and parsonages belonging, or in any wise appertaining; and also those the corn tythes of* Broxfield, Lurbittle, *and* Whinnetly, *with their and every of their appurtenances, situate, lying, and being in the said county of*

Northumberland; *were, for the considerations in the said recited indenture quadripartite mentioned, settled, limited, and assured, to the use of the said* Francis *earl of* Derwentwater, *for his life, without impeachment of waste; and after his death, and subject to a trust for raising five thousand pounds for the right honourable the lady* Mary Radcliffe, *daughter of the said earl of* Derwentwater, *and to the several annuities of five hundred pounds, four hundred pounds, two hundred pounds, and three hundred pounds, payable to* Francis Radcliffe, Thomas Radcliffe, William Radcliffe, *and* Arthur Radcliffe, *the four younger sons of the said* Francis *earl of* Derwentwater, *for their respective lives, to the use of the said* Edward *lord viscount* Radcliffe *and* Langley, *for his life, without impeachment of waste; remainder to the honourable* James Radcliffe *esquire, for his life, without impeachment of waste; remainder to his first and other sons, in tail male, successively; remainder to the honourable* Francis Radcliffe *esquire, second son of the said* Edward *lord viscount* Radcliffe *and* Langley, *for his life, without impeachment of waste; remainder to the first and other sons of the last named* Francis Radcliffe, *in tail male, successively; remainder to the third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth sons of the said* Edward *lord viscount* Radcliffe *and* Langley, *in tail male, successively; remainder to the said* Francis Radcliffe, *second son of the said* Francis *earl of* Derwentwater, *for his life, without impeachment of waste; remainder to his first and other son and sons, in tail male, successively; remainder to the said* Thomas Radcliffe, *for his life, without impeachment of waste; and after his death to his first and other son and sons, in tail male, successively; remainder to the said* William Radcliffe, *for his life, without impeachment of waste; remainder to his first and other sons, in tail male, successively; remainder to the said* Arthur Radcliffe, *for his life, without impeachment of waste; remainder to his first and other sons, in tail male, successively; remainder to the heirs of the body of the said* Francis *earl of* Derwentwater; *remainder to the right heirs of the same* Francis *earl of* Derwentwater *for ever: and whereas the said* Francis *earl of* Derwentwater *is long since dead; and upon his death the said* Edward *called viscount* Radcliffe *and* Langley, *his son and heir, became earl of* Derwentwater; *and the said* Edward *is also long since dead; and upon his death the said* James Radcliffe, *his son and heir, became earl of* Derwentwater: *and whereas by indentures of lease and release, the lease bearing date the day next before the day of the date of the release; and the release being sextipartite, bearing date the twenty fourth day of* June, Anno Domini *one thousand seven hundred and twelve, and made between* James *late earl of* Derwentwater, *of the first part; Sir* John Webbe *baronet, and the honourable dame* Barbara *his wife, and* Anna Maria Webbe, *eldest daughter of the said Sir* John Webbe, *of the second part; the right honourable* Otho *earl of* Plymouth, *and the right honourable* Richard *earl of* Scarborough, *of the third part; the right honourable* Thomas *lord viscount* Faulconberge, *and* John Radcliffe *of* London, *doctor in physick, of the fourth part; the right honourable* William *lord* Widdrington *(who was afterwards attainted of high treason)*

*and*

*and* Nevil Ridley *gentleman, of the fifth part; and the honourable* Francis Radcliffe *and* Charles Radcliffe, *esquires, brothers of the said* James *late earl of* Derwentwater, *of the sixth part; in consideration of a marriage then intended, and which soon after took effect, and was solemnized between the said* James *earl of* Derwentwater *and* Anna Maria Webbe; *and for other considerations in the said indenture of six parts mentioned; all that the barony, manor, or lordship of* Langley, *with the rights, members, and appurtenances thereof, in the county of* Northumberland; *and all and singular messuages, farms, lands, tenements, and hereditaments whatsoever, part and parcel, or reputed part and parcel of the said barony or lordship of* Langley, *or as part, parcel, or member thereof, demised, letten, used, occupied, or enjoyed, and every of them, with their appurtenances; and also all those the manors of* Wittingstall, *alias* Quittingstall, *and* Newlands, Dilston *alias* Develston, Aydon Shields, Warke, Elrington, *and* Meldon, *and every of them, with their and every of their rights, members, and appurtenances, in the said county of* Northumberland; *and also all and singular messuages, granges, farms, lands, tenements, and hereditaments whatsoever, part and parcel, or reputed part and parcel of the said manors, every or any of them, or as part, parcel, or member of them, or any of them, demised, letten, used, occupied or enjoyed; and every of them, with their appurtenances; and all those the manors, or reputed manors of* Spindleston *and* Utchester, Throckley, Coastley, Middleton Hall, East Thornton *alias* Thornton East, Westwood, *and* Thornborough, *and every of them, with their and every of their rights, members, and appurtenances in the said county of* Northumberland: *and also all and singular messuages, granges, farms, lands, meadows, pastures, feedings, tenements, and hereditaments whatsoever, part and parcel, or reputed part or parcel of the said last-mentioned manors, or reputed manors, every or any of them, or as part, parcel, or member of them, or any of them, demised, letten, used, occupied, or enjoyed, and every of them, with their appurtenances; all and singular which said barony, manors, or reputed manors, messuages, granges, farms, lands, tenements, hereditaments, and premisses before-mentioned, are situate, lying and being in* Langley, Whittingstall *alias* Quittingstall, Newlands, Dilston *alias* Develston, Aydon Shields, Warke, Elrington, Meldon, Spindleston, Utchester, Throkley, Coastley, Middleton-Hall, Thornton East, Westwood, Thornborough, Netherwarden, Haydon Bridge, Bywell Saint Andrew, Bywell Saint Peter, Corbrigge, Newton Hall, Hexam, Symondburne, Haltwhistle *alias* Holtwhistle, Kirkhaugh, Knaresdall, Witfield, Balam, Balmbrough, Newbourn, Wooler, Ovingham, *and* Staley, *some or one of them, or some other town or towns thereto adjoining, in the said county of* Northumberland; *and also all that the advowson of the church of* Symondburne, *with the appurtenances in the said county of* Northumberland; *and also all those the manors, or reputed manors of* Castlerigg *and* Derwentwater, *alias* Keswick, *and* Thornthwaite, *with their and every of their rights, members, and appurtenances in the county of* Cumberland; *and also all and singular messuages, granges, farms, lands, meadows,*

*pastures, feedings, woods, underwoods, tenements, and hereditaments whatsoever, part and parcel, or reputed part and parcel of the said last-mentioned manors of* Castlerigg *and* Derwentwater, *alias* Keswick, *and* Thornthwaite, *or any part of them, or as part, parcel, or member of them, or any of them, demised, letten, used, occupied, or enjoyed, and every of them, with their appurtenances; which said manors and premisses last-mentioned are lying and being in* Crasthwaite *and* Keswick, *or one of them, or some other town or towns thereto next adjoining, in the said county of* Cumberland; *and also all that the manor of* Scremerston, *with the rights, members, and appurtenances, in the county palatine of* Durham; *and all and singular messuages, granges, farms, lands, tenements, and hereditaments whatsoever, to the said last-mentioned manor belonging or appertaining, or thereof reputed part or parcel, or therewith demised, used, letten, or enjoyed, and every of them, with their appurtenances; which said manor and premisses last-mentioned are situate, lying, and being in* Scremerston, Holy Island, Auncroft *alias* Auncraft, Tweedmouth, Norham, *and* Lowick, *or some or one of them, or some other town or towns thereunto next adjoining, within the said county palatine of* Durham; *and also all and singular other the messuages, granges, farms, lands, meadows, pastures, feedings, woods, underwoods, tenements, and hereditaments whatsoever, late the estate of the said* James *late earl of* Derwentwater, *or whereof he was seised of any estate of inheritance in possession, reversion, remainder or expectancy, situate, lying, and being within the said several barony, manors, towns, villages, territories, or hamlets of* Langly, Wittingstall *alias* Quittingstall, Newlands, Dilston *otherwise* Develston, Aydon Shields, Warke, Elrington, Meldon, Spindleston, Utchester, Throckley, Coastley, Middleton Hall, Thornton East, Westwood, *and* Thornborough, *every or any of them, in the said county of* Northumberland; *or of* Castlerigg, Derwentwater, Thornthwaite *and* Keswick, Crasthwaite *and* Keswick, *or every or any one of them, in the said county of* Cumberland; *or of* Scremerston *in the said county palatine of* Durham, *and every of them, with their appurtenances; were settled, limited, and assured to take effect, after the solemnization of the said intended marriage, and subject to a term of ninety nine years, limited of part of the premisses, which is since determined, to the use of the said* James *earl of* Derwentwater *for life, without impeachment of waste; and after his death, and subject to a rent charge of one thousand pounds thereby limited to the said* Anna Maria *for her life, for her jointure, and after her death, and subject to a term of two hundred years, which is since determined, to the use of the first, second, third, and all and every other the son and sons of the said* James *late earl of* Derwentwater, *on the body of the said* Anna Maria, *in tail male, successively; remainder to the said* Otho *earl of* Plymouth, *and* William *lord* Widdrington, *their executors, administrators, and assigns, for a term of five hundred years, in trust, for raising twenty thousand pounds, for the portion and portions of the daughter and daughters of the said* James *late earl of* Derwentwater, *by the said* Anna Maria, *in case of failure of issue male between them, to be paid at such times, and in*

*such*

*such manner, and with such maintenance, as is therein mentioned; and after the determination of the said term of five hundred years, to the use of the said* James *late earl of* Derwentwater, *and the heirs male of his body; remainder to* Francis Radcliffe, *brother to the said* James *late earl of* Derwentwater, *for life; and after his death, to his first and other sons in tail male successively; remainder to* Charles Radcliffe, *youngest brother of the said* James *late earl of* Derwentwater, *for his life; remainder to the said* Otho *earl of* Plymouth, *and* Thomas *lord* Faulconberge, *and their heirs, during the life of the said* Charles Radcliffe, *in trust, to preserve the contingent remainders; remainder to the first and other sons of the said* Charles Radcliffe, *in tail male, successively; remainder to the said* James *late earl of* Derwentwater, *his heirs and assigns for ever: and whereas by deed poll, under the hand and seal of the said* Edward *earl of* Derwentwater, *bearing date the twenty fourth day of* June, *one thousand six hundred and ninety nine, the said* Edward *earl of* Derwentwater, *in pursuance of a power given and reserved to him in and by a settlement made on his marriage with the lady* Mary Tuder, *did grant, limit, and appoint an annuity or yearly rent-charge of two hundred pounds unto, and for the benefit of his youngest son* Charles Radcliffe, *during his life, payable half-yearly, and charged upon, and issuing out of divers manors, lands, tenements, and hereditaments, in the county of* Northumberland, *therein particularly described as part of the premisses herein before mentioned: and whereas the said* Edward *earl of* Derwentwater *left issue three sons,* videlicet, James *late earl of* Derwentwater, *the said* Francis Radcliffe *and* Charles Radcliffe, *who was born after the first recited settlement: and whereas the said* Francis Radcliffe, *the second son of the said* Edward *earl of* Derwentwater, *and the said* Francis Radcliffe *and* Thomas Radcliffe, *two of the younger sons of the said* Francis *earl of* Derwentwater, *all died without issue in the lifetime of the said* James *earl of* Derwentwater: *and whereas the said* James *late earl of* Derwentwater *was attainted of high treason, after the twenty fourth day of* June, *one thousand seven hundred and fifteen, and before the twenty fourth day of* June, *one thousand seven hundred and eighteen; (that is to say) on or about the ninth day of* February, *one thousand seven hundred and fifteen, and on the twenty fourth of the same* February, *was executed; and the said* Anna Maria *his wife, late countess of* Derwentwater, *died on or about the nineteenth day of* August, *one thousand seven hundred and twenty three; and the said* James *late earl of* Derwentwater *left issue by the said* Anna Maria *one son named* John, *and one daughter named* Anna Maria: *and whereas the said* William Radcliffe *and* Arthur Radcliffe *died without issue since the said attainder: and whereas the said* Charles Radcliffe *was also attainted of high treason, after the twenty fourth day of* June, *one thousand seven hundred and fifteen, and before the twenty fourth day of* June, *one thousand seven hundred and eighteen; that is to say, on the eighteenth day of* May, *in the year of our Lord one thousand seven hundred and sixteen; and the said* Charles Radcliffe *was, on the eighth day of* December, *one thousand seven hundred and forty six, executed for the treason by him*

*committed*

*committed as aforesaid: and whereas by an act made in the first year of the reign of his late majesty King* George *the First, (intituled,* An act for appointing commissioners to inquire of the estates of certain traitors, and of popish recusants, and of estates given to superstitious uses, in order to raise money out of them severally for the use of the publick) *it was enacted, That all and every the castles, honours, lordships, manors, messuages, lands, tenements, rents, reversions, services, remainders, possessions, royalties, franchises, jurisdictions, and privileges whatsoever, and all appurtenances to them, or any of them belonging, or any wise appertaining; and all rights of entry, rights of action, titles, conditions, uses, trusts, powers, and authorities; and all leases for life, lives, or years, pensions, annuities, rents, charges, and hereditaments whatsoever, and of what nature or kind soever in* Great Britain, Ireland, *or elsewhere, whereof any person or persons who, since the twenty fourth day of* June, *in the year of our Lord one thousand seven hundred and fifteen, had been attainted, or before the twenty fourth day of* June, *in the year of our Lord one thousand seven hundred and eighteen, should be attainted for high treason committed before the first day of* June, *one thousand seven hundred and sixteen, within* Great Britain, *or elsewhere, was, were, or should have been seised or possessed of, or interested in, or intitled unto, on the twenty fourth day of* June, *one thousand seven hundred and fifteen, or at any time afterwards, in his, her, or their own right, or to his, her, or their own use, or whereof any other person or persons was, were, or should have been seised or possessed of, or interested in, to the use of, or in trust for them, or any of them, on the said twenty fourth day of* June, *one thousand seven hundred and fifteen, or at any time afterwards, should stand and be forfeited to his Majesty, his heirs and successors, and should be deemed, vested, and adjudged to be in the actual and real possession of his Majesty, without any office or inquisition thereof, thereafter to be taken or found; all which said castles, honours, manors, lands, tenements, rents, reversions, hereditaments, and other the premisses, according to the several and respective estates and interests, which the said persons attainted, or to be attainted, within such days and times as aforesaid, or any in trust for them, or any of them, or to their or any of their use or uses, had, or should have had therein as aforesaid, were thereby declared and enacted to be so vested in his Majesty, his heirs and successors, for the use of the publick: and to the intent that the same, and the profits and proceed thereof, should be disposed and applied to the use and benefit of the publick, and in ease of his Majesty's good subjects, according to such act and acts of parliament as should thereafter be made and passed in that behalf; and that where any of the person or persons attainted, or to be attainted, within such days and times as aforesaid, were seised of an estate tail in possession, in any such castles, honours, manors, messuages, lands, tenements, rents, hereditaments, or other the premisses, the same were thereby enacted and declared to be vested in his Majesty, his heirs and successors, in fee simple, to the end the same might be absolutely sold, disposed, or applied, according to such act or acts of parliament as should thereafter be made in that behalf; and all and every person and persons (other than and except all such forfeiting persons as aforesaid,*

2 Geo. 1. c. 50.

*aforesaid, and the heirs, executors, administrators, and assigns of every of them; and all persons having or claiming any thing in the premisses, or any part thereof, to the use of, or in trust for any such forfeiting persons, or their or any of their heirs, executors, or administrators; and such persons who had or might claim any estate, which was in reversion or remainder, expectant on the determination of any estate tail, whereof a forfeiting person was seised as aforesaid, on the said twenty fourth day of* June, *one thousand seven hundred and fifteen, or at any time since, always excepted) having any estate, right, title, interest, use, trust, possession, reversion, remainder, office, annuity, service, rent, debt, benefit, charge, or incumbrance in law or equity, in, to, out of, or upon any castles, honours, manors, messuages, lands, tenements, rents, hereditaments, or real estate, or any other the premisses in* Great Britain, Ireland, *or elsewhere, therein before vested in his Majesty, by or under any settlement, conveyance, judgment, statute, recognizance, extent, or other debt, charge, or incumbrance, affecting the same estate, before the respective days and times whereon the same were vested in his Majesty as aforesaid, were, on or before the twenty fourth day of* June, *one thousand seven hundred and seventeen (and which time, by another act of parliament made in the third year of the reign of his said late Majesty, intituled,* An act to inlarge the time for making claims before the commissioners appointed to inquire of the forfeited estates, *was inlarged to the first day of* February, *one thousand seven hundred and and seventeen) to enter all their respective claims and demands thereof before certain commissioners appointed by the said act, or any four or more of them residing in* England *or* Scotland *respectively, in the manner in the said act mentioned; or in default thereof, every such estate, right, title, interest, use, possession, reversion, remainder, office, annuity, service, rent, debt, benefit, charge, or incumbrance, in, to, out of, or upon the said premisses, or any part thereof, was thereby declared to be null and void; and the estate or estates liable unto, or charged therewith, were from thenceforth to be freed, acquitted, and discharged of and from the same: and whereas by another act of parliament made in the fourth year of the reign of his said late majesty King* George *the First (intituled,* An act for vesting the forfeited estates in *Great Britain* and *Ireland* in trustees, to be sold for the use of the publick, and for giving relief to lawful creditors, by determining the claims, and for the more effectual bringing into the respective exchequers the rents and profits of the said estates till sold) *it was enacted, That all and every the castles, honours, lordships, manors, messuages, lands, tenements, rents, reversions, services, remainders, possessions, royalties, franchises, jurisdictions, and privileges whatsoever, and all appurtenances to them, or any of them, belonging, or in any wise appertaining; and all rights of entry, rights of action, titles, conditions, uses, trusts, powers, and authorities; and all leases for life, lives, or years, pensions, annuities, rents, charges, and hereditaments whatsoever, and of what nature or kind soever, not disposed of according to the directions of the said first-recited act, in* Great Britain, Ireland, *or elsewhere, which by the said recited act were vested, or intended to be vested, in his Majesty, his*

3 Geo. 1. c. 4.

4 Geo. 1. c. 8.

*heirs*

*heirs and successors, as aforesaid, for the use of the publick, should be, and were thereby, vested and settled in the actual and real possession and seisin of* Richard Grantham *esquire*, George Treby *esquire*, Arthur Ingram *esquire*, George Gregory *esquire*, *Sir* Richard Steele *knight*, *Sir* Henry Houghton *baronet*, Patrick Haldane *esquire*, *Sir* Thomas Hales *baronet*, Robert Munro *esquire*, Henry Cunningham *esquire*, Denis Bond *esquire*, John Birch *serjeant at law*, *and Sir* John Eyles *baronet*, *and their heirs, executors, administrators, and assigns respectively, from the twenty fifth day of* March, *one thousand seven hundred and eighteen, according to the several estates and interests vested or intended to be vested in his Majesty by the said former act; to the end the same might be bargained, sold, disposed of, and applied by the said trustees, and the survivors of them, to and for the uses in the said recited act, or in the said act of the fourth year of his said late Majesty's reign after-mentioned and declared: and it was by the said last recited act further enacted, That from and after the said twenty fifth day of* March, *one thousand seven hundred and eighteen, the said commissioners and trustees, or any four or more of them, residing in* England, Scotland, *or* Ireland, *respectively, should and were thereby enabled and required, at any time or times, to sell all and singular the estates and interests vested in them as aforesaid; (that is to say) such of the said estates and interests, concerning which no claims should be or had been entered within the times limited for that purpose, as soon as conveniently might be after the said twenty fifth day of* March, *one thousand seven hundred and eighteen; and such of the said estates and interests for or concerning which any claims had been or should be entered, as aforesaid, as soon as conveniently might be after such claims relating to such estates or interests respectively should be determined; the said sales to be made to any person or persons being protestants, bodies politick or corporate, their heirs, successors, executors, administrators or assigns (other than the said commissioners and trustees, or their officers respectively, or any others in trust for them) who should become purchaser or purchasers thereof, for such estate and interest therein respectively, as was therein before vested in the said commissioners and trustees: and the said commissioners and trustees, or any four or more of them, residing in* England, Scotland, *or* Ireland, *respectively, being certified of the payment of the price agreed upon into the receipt of his Majesty's exchequers in* England *and* Scotland *respectively, were to execute an indenture or contract of bargain and sale of the parcels bought and paid for to the buyers thereof, for such estate or interest therein as the said commissioners and trustees, or any four or more of them residing in* England, Scotland, or Ireland *respectively, should have contracted to sell the same; and all and every purchaser or purchasers, his, her, or their heirs, successors, executors, administrators and assigns, were to hold and enjoy such parts and parcels of the premisses as should be so purchased and conveyed for such estate and interest therein respectively, as should be conveyed by the said commissioners and trustees, or any four or more of them, in such indenture or contract of bargain and sale, freed and discharged of and from all arrears of quit-rents, crown-rents, feu duties and chiefries, at any time accrued*

*crued or to grow due before the date of such respective conveyances, and of and from all other claims and demands of his Majesty, his heirs and successors, and of the said commissioners and trustees, their heirs, executors, administrators, and assigns, and of all and every other person or persons whatsoever, other than and except such claims and demands which should be allowed by the said commissioners and trustees, or any four or more of them, or the court of delegates (which, by the said last recited act, his said late Majesty was impowered to appoint, for hearing and determining such appeals as should be made by any claimant from any judgement, determination, or decree of the said commissioners and trustees, or any four or more of them) on the determination of such claims as aforesaid: and whereas the aforesaid* John Radcliffe, *son of the said* James *late earl of* Derwentwater, *did, by his mother and guardian the said* Anna Maria, *late countess of* Derwentwater, *on or about the first day of* March, *one thousand seven hundred and sixteen, exhibit two several claims before the commissioners appointed by the said recited act of the first year of his said late Majesty's reign; by one of which the said* John Radcliffe *claimed the manors, lands, and hereditaments, comprized in the said settlement of the twenty fourth day of* March, *one thousand six hundred and ninety one, as the right and inheritance of him the said claimant, and the heirs male of his body; and by the other of the said claims, the said* John Radcliffe *claimed the manors, lands, and hereditaments, comprized in the said indenture of release of the twenty fourth day of* June, *one thousand seven hundred and twelve (subject to the aforesaid rent charge, and to the said term of two hundred years, and the trusts thereof) as the right and inheritance of him the said claimant, and the heirs male of his body: which claims coming afterwards on to be heard before the said commissioners, the claim made by the said* John Radcliffe *to the manors, lands, and hereditaments, comprized in the said settlement of the twenty fourth day of* March, *one thousand six hundred and ninety one, was allowed; and the claim made by him to the manors, lands, and hereditaments, comprized in the said settlement of the twenty fourth day of* June, *one thousand seven hundred and twelve, was dismissed: but the decree made by the said commissioners for dismissing the same was, upon an appeal made to the court of delegates, appointed by his said late Majesty by virtue of the said recited act, made in the fourth year of his reign, reversed, and the said last mentioned claim was, by the said court allowed: and whereas by an act made in the ninth year of the reign of his said late majesty King* George *the First (intituled,* An act to continue the duties for encouragement of the coinage of monies; and for relief of *William* late lord *Widdrington*; and to prevent foreign lotteries being carried on in this kingdom; and for ascertaining the duties on bound books imported; and for issuing certificates and debentures for arrears due to five regiments, to be satisfied by annuities therein mentioned; and for discharging the duties of rock salt lost on the rivers *Weaver* and *Mercy*; and for limiting the times of continuance of commissioners for forfeited estates in *England* and *Scotland* respectively; and for appropriating the supplies

9 Geo. 1. c. 19.

supplies granted to his Majesty in this session of parliament; and to rectify misnomers and omissions of commissioners for the land tax in the year one thousand seven hundred and twenty three) *after reciting, That all the claims entered before the commissioners and trustees in* England *were heard and determined, and the appeals from the decrees of the said commissioners and trustees in* England, *were also finally determined, it was enacted, That the forfeited estates in* England, *by any former act or acts of parliament vested in the said commissioners and trustees, which should remain unsold from and after the twenty ninth day of* September, *one thousand seven hundred and twenty three, were thereby divested out of the said commissioners and trustees, and vested in the King's majesty, his heirs and successors, for the use of the publick: and whereas by indenture bearing date the twenty eighth day of* September, anno domini *one thousand seven hundred and twenty three, and made or mentioned to be made between the said* George Gregory, *Sir* Thomas Hales, Henry Cuningham, Denis Bond, John Birch, *and Sir* John Eyles, *commissioners and trustees, nominated and appointed for putting in execution the powers and authorities relating to the forfeited estates in* England *and* Ireland, *enacted by the two acts of parliament herein first-mentioned, of the one part, and* William Smith *of* Billiter Square, London *esquire, of the other part, reciting the marriage settlement of the said* James *late earl of* Derwentwater; *and that the estate for life so limited, as aforesaid to the said* Charles Radcliffe, *of and in all and singular the said premisses mentioned in the said recited settlement of the twenty fourth day of* June *one thousand seven hundred and twelve, in remainder, after the death of the said* John Radcliffe *without issue male of his body, was vested in the said commissioners and trustees for the uses in the said acts mentioned; and that the reversion in fee of the same premisses, so limited to the right heirs of the said* James *late earl of* Derwentwater, *was also vested in the said commissioners and trustees for the same uses, the said* George Gregory, *Sir* Thomas Hales, Henry Cuningham, Denis Bond, John Birch, *and Sir* John Eyles, *pursuant to the said act of parliament of the fourth year of his said late Majesty, and in execution of the trust thereby in them reposed, and of the powers and authorities to them, or any four or more of them, thereby given: and for and in consideration of one thousand and sixty pounds, for which the said* William Smith *contracted with the said commissioners and trustees for the purchase of all and singular the premisses, during the life of the said* Charles Radcliffe, *without impeachment of waste, and for and during so long as the said* Charles Radcliffe *should have issue male of his body, in remainder, expectant on the death of the said* John Radcliffe *without issue male; and also the reversion in fee of and in the said premisses limited to the said* James *late earl of* Derwentwater, *did bargain and sell all and singular the said barony, manors, lordships, rectories, parsonages, mines, collieries, messuages, lands, tenements, hereditaments, and premisses, comprized in the said indenture of release, bearing date the twenty fourth day of* June, *one thousand seven hundred and twelve, and every part and parcel thereof, with their and every of their appurtenances, unto the said* William Smith

Smith *(whom the said commissioners and trustees did declare and confirm the purchaser thereof, he having bid most for the same on the publick sale, by cant or auction had for that purpose, according to the last mentioned act of parliament) and his heirs, to hold to him, his heirs, and assigns (in case the said* John Radcliffe *should happen to die without heirs male of his body begotten) for and during the natural life of the said* Charles Radcliffe, *without impeachment of waste; and for and during so long as the said* Charles Radcliffe, *should have heirs male of his body lawfully to be begotten and on failure of issue male of the said* Charles Radcliffe, *to hold the same premisses unto the said* William Smith, *his heirs and assigns, to the use of him, his heirs, and assigns, for ever: and whereas by another indenture, bearing date the said twenty eighth day of* September, *one thousand seven hundred and twenty three, and made between the same commissioners and trustees, of the one part; and the said* William Smith, *of the other part; reciting the settlement of the twenty fourth day of* March, *one thousand six hundred and ninety one; and that by the attainder of the said* James *late earl of* Derwentwater, *and the act of parliament afore-mentioned, the reversion in fee, of all the premisses in the said settlement comprized, was vested in the said commissioners and trustees; and by the attainder of the said* Charles Radcliffe, *and the said act of parliament, the remainder in tail, limited to him in the same premisses, expectant on the death of the said* John Radcliffe *without issue male of his body, was also vested in the said commissioners and trustees, the said* George Gregory, *Sir* Thomas Hales, Henry Cuningham, Denis Bond, John Birch, *and Sir* John Eyles, *in execution of the powers and authorities afore-mentioned; and for and in consideration of one thousand and sixty pounds, for which the said* William Smith *contracted with them, not only for the purchase of the same premisses, for the remainder in tail male, so forfeited by the attainder of the said* Charles Radcliffe, *and the reversion in fee, so forfeited by the attainder of the said* James *late earl of* Derwentwater, *but also for the purchase of a remainder limited by another settlement to the said* Charles Radcliffe, *and his issue male, and the reversion in fee to the said* James *late earl of* Derwentwater, *of and in the barony of* Langley, *and divers lands and hereditaments, mentioned in the indenture of bargain and sale, herein last before recited, did bargain and sell all and singular the manors, lordships, hamlets, messuages, lands, tenements, mills, rectories, tythes, and other the premisses, in the said settlement of the twenty fourth day of* March, *one thousand six hundred and ninety one, comprized with their and every of their appurtenances, unto the said* William Smith *(whom the said commissioners and trustees did thereby declare and confirm the purchaser thereof, he having bid most for the same on the publick sale, by cant or auction had for that purpose, according to the last-mentioned act of parliament) and his heirs, to hold to him, his heirs and assigns (in case the said* John Radcliffe *should happen to die without issue male of his body) for and during the natural life of the said* Charles Radcliffe, *and so long as he should have issue male of his body; and in case the said* William Radcliffe, *and* Arthur Radcliffe, *should both happen to die without issue male of their respective bodies, then to hold the same premisses unto the said*

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William Smith, *his heirs and assigns, to the use of him, his heirs and assigns for ever; and whereas the said* John Radcliffe *departed this life in or about the year one thousand seven hundred and thirty one, before he attained his age of twenty one years, without issue, and unmarried: and whereas by an act made in the fifth year of the reign of his present Majesty (intituled,* An act for making void the several contracts for sale of the estate of *James* late earl of *Derwentwater* to *William Smith* esquire, and also of the annuity of two hundred pounds, during the life of *Charles Radcliffe*, and the arrears thereof, to *Matthew White* esquire, and the several conveyances made in pursuance of the same;) *it was, for the reasons therein contained, enacted, That the several contracts made, signed, or entered into, or pretended to be made, signed, or entered into, by the said commissioners and trustees, or any of them, for the sale or conveyance to the said* William Smith, *of any estate, right, title, or interest of, in, to, or out of the barony, manors, lordships, messuages, farms, lands, tenements, rectories, tythes, hereditaments, and premisses, in the said recited settlements of the twenty fourth of* March, *one thousand six hundred and ninety one, and twenty fourth of* June, *one thousand seven hundred and twelve, comprized, or either of them, or of, in, to, or out of any part or parcel thereof, or any lands, tenements, or hereditoments whatsoever, contracted or pretended to be contracted for by the said* William Smith, *for the sum of one thousand and sixty pounds; and also the contract or contracts, or pretended contract or contracts, for the sale, conveyance, or assignment to the said* Matthew White, *of the said annuity of two hundred pounds, granted to, or charged for the benefit of the said* Charles Radcliffe, *as therein is mentioned, and of the arrears of the same; and also the said several recited indentures of bargain and sale respectively, bearing date the twenty eighth day of* September, *in the year one thousand seven hundred and twenty three; and one other indenture of bargain and sale therein recited, bearing date the said twenty eighth day of* September, *one thousand seven hundred and twenty three, being the indenture of bargain and sale therein recited to have been made to the said* Matthew White, *of the said annuity or yearly rent of two hundred pounds, so granted to the said* Charles Radcliffe *for his life as aforesaid, together with the arrears thereof incurred and grown due, from the time of the attainder of the said* Charles Radcliffe, *to the day of the date of the said indenture; and all and every the bargains, sales, conveyances, deeds, and instruments signed, sealed, made or executed, or pretended so to be, for the conveying, transferring, vesting, passing, and assuring the said several estates, interests, annuity, arrears, and other the premisses, or any part or parcel thereof, unto the said* William Smith *and* Matthew White, *or either of them, their or either of their heirs, executors, administrators, or assigns, should be, and were thereby set aside and annulled, and were thereby adjudged and declared to be, and to have been absolutely null and void to all intents, constructions, and purposes, as if the same had never been made; and the attorney general of his Majesty, his heirs and successors, by his or their direction, was thereby impowered to apply to the court of* Exchequer *for sale, and the said court was thereby impowered to order sale of the said barony, manors, lands, hereditaments*

9 Geo. 2. c. 23.

*taments, and premisses (subject to such claims and demands, as had been allowed by the said commissioners and trustees, according to the said recited act of the fourth year of his said late Majesty's reign) for such estate and interest as was vested in his Majesty, his heirs and successors, as aforesaid; and the purchase-money was to be paid into the receipt of his Majesty's exchequer, to be applied and disposed of according to any act or acts of parliament then after to be made for that purpose; and it was thereby further enacted, that until such sale should be made, as by the said act is directed, it should be lawful for the lords commissioners of his Majesty's treasury, or any three or more of them, or the lord high treasurer for the time being, to cause to be collected and levied all the rents, issues, and profits of the said barony, manors, lands, hereditaments, and premisses, and all arrearages thereof since the death of the said* John Radcliffe; *and to sue for and recover the same in the name of his Majesty, his heirs and successors, and to cause all the monies arising thereby (the necessary charges of levying, collecting, suing for, and recovering the same, and the incident charges relating thereunto only excepted) to be brought and paid into the receipt of the exchequer, to be applied and disposed of, according to any act or acts of parliament thereafter to be made for that purpose but in the said last-recited act, a saving is made to his Majesty, his heirs and successors, of all such right, title, estate, interest, claim, and demand of, in, unto, or out of the said premisses, as his Majesty, his heirs or successors, might have had or been intitled unto, in case that act had never been made, other than and except such right, title, estate, interest, claim, and demand, as was vested in his Majesty, his heirs and successors, by virtue of the several attainders before-mentioned, or of the acts of parliament therein recited; and a saving is also in the said last-recited act made to all other persons, other than and except the said commissioners and trustees, and the said* Matthew White *and* William Smith, *and any persons concerned with them in the said contracts or purchases, their respective heirs, executors, administrators and assigns, and all persons claiming or to claim any estate, right, title, interest, or demand, either in law or equity, in, unto, or out of the said premisses, by, from, or under them, of all such right, title, estate, interest, claim, or demand, of, in, unto, or out of the said premisses, as they might have had or been intitled unto, in case that act had never been made: and whereas by another act of parliament made in the eighth year of the reign of his present Majesty (intituled,* An act for the application of the rents and profits of the estates forfeited by the attainders of *James* late earl of *Derwentwater* and *Charles Radcliffe*,) *reciting, amongst other things, That there then remained in the receipt of his Majesty's exchequer the sum of seven thousand one hundred and eighty two pounds, thirteen shillings, which had arisen out of the rents and profits of the said premisses so vested in his Majesty as aforesaid; and that there were also several sums of money in the hands of the collectors and receivers, and due and in arrear from the tenants and farmers of the said premisses; and farther reciting, That the annuity or rent charge, and also the several mortgages and incumbrances of and upon the said estate of the said late earl of* Derwentwater,, *or some part thereof, therein and herein after particularly*

8 Geo. 2. c. 29.

*larly mentioned, had been regularly claimed and allowed, according to the direction of the said act of the fourth year of his said late Majesty's reign; and that there was then due, owing, issuing, and payable out of the said estate, or some part thereof, to the several persons therein and herein after-named, the several sums of money and annuity therein and herein after mentioned; that is to say, to the right honourable* Robert James *lord* Petre *the sum of twenty thousand pounds principal money, with the interest thereof: to* Cuthbert Constable, *alias* Tunstall, *of* Burton Constable *in* Holderness, *in the county of* York, *esquire, upon mortgage, the sum of five thousand nine hundred pounds, principal-money, besides interest; to* Mary Chamberlain *spinster,* Edward Hopkins *of the city of* Coventry *esquire, and* Anna Maria *his wife,* Richard Luther *esquire, and* Charlotte *his wife, upon mortgage, the sum of three thousand pounds principal-money, besides interest: to the lady* Catherine Radcliffe, *second daughter of* Francis *late earl of* Derwentwater, *one annuity or yearly rent charge of one hundred pounds, clear of all taxes, for the term of her natural life, with the arrears thereof; it was enacted, That the said sum of seven thousand one hundred and eighty two pounds, thirteen shillings, so arising and produced of the rents and profits of the said premisses, and remaining in the receipt of the exchequer as aforesaid, should be issued, appropriated, and applied, in the first place, for the paying and clearing off all interest and arrears of the said annuity of one hundred pounds a year, and incumbrances therein and herein before-mentioned, to the twenty fifth day of* March, *one thousand seven hundred and thirty five; and after payment thereof, the surplus and residue of the said sum of seven thousand one hundred and eighty two pounds, thirteen shillings, should (except as therein after is excepted) be appropriated and applied, and was thereby appropriated and applied, towards the building and finishing of the royal hospital for seamen at* Greenwich: *and it was thereby further enacted, That all sums of money collected and received by the respective receivers of the rents and profits of the said premisses, so forfeited and vested in his Majesty as aforesaid, which were not paid into the receipt of the exchequer on or before the twenty fifth day of* March, *one thousand seven hundred and thirty five, and all arrears of rents and profits of the same premisses, due and owing from the several farmers, tenants, and occupiers of any part or parts thereof at or on the said twenty fifth day of* March, *one thousand seven hundred and thirty five; and all the rents, issues, and profits of the said premisses, which should from and after the said twenty fifth day of* March, *one thousand seven hundred and thirty five, grow, accrue, or become due and payable for and during his Majesty's said estate and interest in the said premisses, subject in the first place to the payment of the said annuity of one hundred pounds a year, as the same shall grow due, and of all principal and interest due and to grow due upon the several incumbrances therein, and herein before-mentioned, should be issued and applied, and were thereby appropriated and applied in the first place for and towards the finishing and completing the building of the said royal hospital for seamen at* Greenwich; *and after the building of the same royal hospital should be completed and finished, for and towards the support of the*

*said*

*said royal hospital for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country: and it was thereby further enacted and declared, That the said premisses so forfeited and vested in his Majesty as aforesaid, should not be sold (except as in the said act is excepted) but should remain and continue vested in his Majesty, his heirs, and successors (subject to, and charged and chargeable with, the said annuity of one hundred pounds, and incumbrances aforesaid, and the payment thereof, in the first place) for such estate and interest as aforesaid, for the purposes of the said last-recited act: and his Majesty, his heirs and successors were, by the said last-recited act, impowered to authorize the commissioners or governors of the said royal hospital for the time being, or any seven or more of them, to appoint stewards, receivers, or bailiffs of the said premisses, so forfeited and vested in his Majesty as aforesaid, for and during the said estate and interest of his Majesty, his heirs, and successors, in the same premisses; and to invest them with full power to receive the rents, issues, and profits thereof; and to give receipts, discharges, and acquittances for the same; and to hold courts, and to do and perform all acts, matters, and things, necessary for the managing the said premisses, usually done and performed by stewards, receivers, and bailiffs: and his Majesty, his heirs and successors, were, by the said last-recited act also impowered, during the continuance of the said estate and interest of his Majesty, his heirs and successors, in the said premisses, to authorize the commissioners and governors of the said royal hospital, for the time being, to grant leases of the premisses so forfeited, and vested in his Majesty as aforesaid, for any term not exceeding twenty one years in possession, at the best and most improved yearly rent: and it was thereby further enacted, That the commissioners or governors of the said royal hospital should, and were thereby required, to contract and agree with able and sufficient tradesmen, artificers, or other persons, for finishing and completing the said royal hospital in a workman-like and substantial manner, on the easiest and most reasonable terms, according to the plan laid before the house of commons in that session of parliament; and that they should lay their proceedings therein, with their annual accounts, before his Majesty, and both houses of parliament respectively: and it was by the said act, for the reasons therein contained, provided and enacted, That out of the rents and profits of the said estate, then remaining in the receipt of his Majesty's exchequer, there should and might be issued and paid to the lord viscount* Gage *in the kingdom of* Ireland, *the sum of two thousand pounds without account, and clear of all fees and deductions; in which said last recited act is contained a saving to his Majesty, his heirs, and successors, of all such right, title, estate, interest, claim, and demand, of, in, unto, or out of the said premisses, as his Majesty, his heirs and successors, might have had, or been intitled unto, in case that act had never been made; other than and except such right, title, estate, interest, claim, and demand, as was vested in his Majesty, his heirs and successors, by virtue of the several attainders before-mentioned, or of the therein recited acts of parliament; and other than and except such right, title, estate, interest, claim, and demand, which his Majesty, his heirs and successors, had or might have in or to such part*

*or parts of the said premisses, which should be sold pursuant to the directions of that act: and therein also is contained a saving to the several mortgagees and incumbrancers before named (till they should be paid off as aforesaid) and to all other persons, of all such right, title, estate, interest, claim, and demand, of, in, unto, or out of the said premisses (except such part or parts thereof, which should be sold pursuant to the directions of that act) as they might have had, or been intitled unto, in case that act had never been made: and whereas by an act made in the eleventh year of the reign of his present Majesty intituled,* An act for explaining and amending an act of the eighth year of his present Majesty's reign, intituled, *An act for the application of the rents and profits of the estates forfeited by the attainders of* James *late earl of* Derwentwater, *and* Charles Radcliffe) *it was enacted, That upon the death of his present Majesty, and also upon the death of every successive King and Queen of this realm, all such acts and services should be done and performed, and all such fines and sums of money should be paid by the respective tenants of the estates to every successor of his Majesty, or (in case any of the said estates should be sold) to such other person who shall be the owner thereof, as by the ancient tenure thereof, or by any contract, law, usage, or custom, ought to be done, performed and paid by them, in case such King or Queen so dying, was considered as a private person only, and not in his or her politick capacity; and that for default of performance of such acts and services, which ought so to be done and performed, and for default of payment of any such fines and sums of money, which ought so to be paid, such forfeitures and penalties should accrue and become due, and it should be lawful for his Majesty, his heirs and successors, and for all persons by him or them appointed, or who should be then owners of the said estates, to use and take all such ways and means for recovering and taking advantage of the said forfeitures and penalties, as might be lawfully used or taken by any lord of the said estates, in case such king or queen so dying was considered as a private person only, and not in his or her politick capacity; and that all the said fines, sums of money, penalties, and forfeitures, which should accrue and become due to his Majesty, his heirs and successors, during his and their interest therein, should be applied to and for the use and benefit of the royal hospital for seamen at* Greenwich; *and the attorney general of his Majesty, his heirs and successors, by his or their direction, was impowered by the said act to apply to his Majesty's court of* Exchequer *at* Westminster, *by motion, in a summary way, for the sale of all, or of such part or parts of the timber on the said estates, while the same should remain unsold, from time to time, and at all times, as should be thought fit; and the money arising by such sale or sales, was to be applied by the direction of the said court, to the discharge of the incumbrances with which the said estates then stood charged; and in the mean time was to be paid by the purchasers into the court of* Exchequer, *or to the treasurer of the said hospital for the time being, or to be placed out in such government or other securities, and in the names of such persons, as the said court should direct; and in case there should happen to be any surplus of the said money, the same was to be applied in the first place, for and towards the finishing and completing the building*

11 Geo. 2. c. 30.

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*ing of the said royal hospital; and after the building of the same royal hospital should be completed and finished, for and towards the support of the said royal hospital, for the better maintenance of the seamen of the said royal hospital worn out and become decrepit in the service of their country; and after the said incumbrances should be totally discharged, then all the produce of, or money arising by, the sale or sales of any timber on the said estates, was to be, from time to time, and at all times, wholly appropriated and applied to the use of the said hospital: and it was by the said act enacted, That for or towards the discharge of the aforesaid mortgages and incumbrances (except the said annuity of one hundred pounds a year) and not otherwise, it should and might be lawful to and for the attorney general of his Majesty, his heirs and successors, by his and their direction, to apply to his Majesty's said court of* Exchequer, *by motion, in a summary way, for the sale or sales to any person or persons, being protestants, of the fee-simple and inheritance of any of the said premisses so forfeited, and vested in his Majesty as aforesaid, which were not charged with the said mortgages and incumbrances, as should be thought most convenient to be sold and disposed of, and the money arising by such sale or sales was to be applied, by the direction of the said court, for or towards the discharge of the said incumbrances, or some of them, and in the mean time was to be paid by the purchasers into the court of* Exchequer, *or to the treasurer of the said hospital for the time being, or to be placed out in such government or other securities, and in the names of such persons, as the said court should direct; and in case there should happen to be any surplus of the said purchase-money, the same was to be applied for the benefit of the said hospital: and it was by the said last-recited act also enacted, That it should and might be lawful for his Majesty, his heirs and successors, during the continuance of his or their estate in the premisses, by sign manual, to authorize the commissioners and governors of the said hospital, or any seven or more of them, to demise and grant all the mines of lead, coal, and other minerals, as well unopened as opened, within and under the said lands and premisses, for any number of years, not exceeding twenty one years, in possession and not in reversion, reserving the best rents or dues that could be reasonably got for the same: and after reciting, That the interest of the principal-money, due on the mortgages and incumbrances in the said act mentioned, was partly at the rate of five pounds for one hundred pounds, and partly at the rate of six pounds for one hundred pounds, for a year, it was enacted, That it should and might be lawful for his Majesty, his heirs and successors, by sign manual, to authorize the commissioners or governors of the said hospital for the time being, or any seven or more of them, to agree with the respective mortgagees and incumbrancers of the said premisses in the said act of the eighth year of his present Majesty's reign named, their executors, administrators, or assigns, for any less rate or interest for the principal-money due on their securities respectively, than the same was then at; and in case the said mortgagees and incumbrancers should not so agree, then to agree with any other person or persons for the advancing money at any less rate or interest than aforesaid, for paying off the principal-money due*

*on the said mortgages and incumbrances, upon the same being assigned unto such person or persons respectively so advancing such money; provided that such assignments should be made for the respective principal-money only of the said mortgages and incumbrances, and for the interest of such principal-money to grow due, from and after the making of such assignments respectively; and that the said principal-money, and interest thereof, in all such assignments, should be made payable at the end of six months at the farthest, from the day of the making such assignments respectively: in which said last-recited act there is contained the like saving to his Majesty, and to all other persons, as in the said act of the eighth year of his said present Majesty's reign is contained; as by the said several recited acts of parliament may (amongst other things therein contained) more fully appear: and whereas the said sum of seven thousand one hundred and eighty two pounds, thirteen shillings, so remaining in his Majesty's exchequer as aforesaid, was applied according to the directions of the said recited act of the eighth year of his present Majesty's reign; and the several sums of money which had been collected and received by the respective receivers of the rents and profits of the aforesaid premisses, which were not paid into the receipt of the exchequer on or before the twenty fifth day of* March, *one thousand seven hundred and thirty five; and the arrears of rents and profits of the same premisses, due and owing from the several farmers, tenants, and occupiers thereof, at or on the said twenty fifth day of* March, *one thousand seven hundred and thirty five; and also the rents, issues, and profits of the said premisses, which from and after the said twenty fifth day of* March, *one thousand seven hundred and thirty five, to the time of making this act, have accrued, or become due or payable, or so much thereof as could be got in and received, have, from time to time, been applied for such purposes as the same were directed to be applied by the said acts of the eighth and eleventh years of his present Majesty's reign, as by the account of the proceedings of the commissioners or governors of the said royal hospital at* Greenwich, *with respect to their contracting and agreeing with tradesmen, artificers, or other persons, for finishing and completing the said royal hospital, in the manner mentioned in the said act of the eighth year of his present Majesty's reign, and also the annual accounts of the said commissioners or governors, with respect to the rents, issues, and profits of the said premisses that have been received by them, which the said commissioners or governors have, from time to time, according to the directions of the said act of the eighth year of his present Majesty's reign, laid before his Majesty and both houses of parliament may appear: and whereas the said lady* Catharine Radcliffe, *second daughter of the said* Francis *earl of* Derwentwater, *is reputed to be dead, and all arrears of the said annuity or yearly rent charge of one hundred pounds, payable to her as aforesaid, are supposed to have been paid and satisfied: and whereas the said* Robert James *lord* Petre (*who inter-married with the said* Anna Maria, *daughter to the said* James *late earl of* Derwentwater, *by the said* Anna Maria *his wife) having refused to accept of any less interest for the said principal sum of twenty thousand pounds, due for the portion of the said* Anna Maria *lady* Petre *his wife,*

*wife, than the same was then at; and the right honourable Sir* Charles Wager *knight, Sir* Thomas Littleton, *Sir* Thomas Frankland, *baronets, Sir* Jacob Ackworth *knight,* Thomas Pearse George Purvis, Josiah Burchett, Tudor Trevor, *lieutenant governor* Nicholas Clarke, *and* William Baxter, *esquires; ten of the commissioners or governors of the said royal hospital, authorized and impowered by his Majesty's sign manual, bearing date the twenty seventh day of* June *one thousand seven hundred and thirty eight, pursuant to the said act of parliament made in the eleventh year of his present Majesty's reign, having agreed with the governor and company of the bank of* England, *for advancing money at the rate of four pounds* per centum per annum, *for paying off the said principal sum of twenty thousand pounds; and the term of five hundred years, limited by the said settlement of the twenty fourth day of* June, *one thousand seven hundred and twelve, to the said* Other *earl of* Plymouth, *and* William *lord* Widdrington, *having by the attainder of the said lord* Widdringon, *who survived the said earl of* Plymouth, *been vested in his Majesty, the said* Robert James *lord* Petre, *and* Anna Maria *lady* Petre *his wife, in consideration of the sum of twenty thousand pounds to the said lord* Petre *paid by the governor and company of the bank of* England, *did by a certain indenture tripartite, bearing date the eleventh day of* May, *one thousand seven hundred and thirty nine, by the appointment and direction of the said Sir* Charles Wager, *Sir* Thomas Littleton, *Sir* Thomas Frankland, *Sir* Jacob Ackworth, Thomas Pearse, George Purvis, Josiah Burchett, Tudor Trevor, Nicholas Clarke, *and* William Baxter, *bargain, sell, and assign, unto the said governor and company of the bank of* England, *their successors, and assigns, the barony, manors, lands, and hereditaments, by the said indenture of release of the twenty fourth day of* June, *one thousand seven hundred and twelve, limited to the said earl of* Plymouth, *and lord* Widdrington, *for the term of five hundred years as aforesaid; and all the estate, right, title, and interest, of the said* Robert James *lord* Petre, *and* Anna Maria *lady* Petre *his wife, of, in, and to the said barony, manors, lands, tenements, and hereditaments, and in and to the said term of five hundred years, and of, in, and to the said twenty thousand pounds, to hold the same to the said governor and company of the bank of* England, *their successors and assigns, for the residue then to come of the said term of five hundred years, subject to a proviso for redemption, on payment of the said sum of twenty thousand pounds, with interest for the same, at the rate of four pounds* per centum per annum, *on the eleventh day of* November *then next; and the said commissioners or governors of the said hospital, having, since the time limited by the said proviso, paid out of the monies belonging to the said hospital, the said sum of twenty thousand pounds, with all interest due for the same, the said governor and company of the bank of* England *did, by indenture bearing date the sixteenth day of* February, *one thousand seven hundred and forty eight, bargain, sell, and assign, unto the right honourable* Archibald Hamilton *esquire, commonly called lord* Archibald Hamilton, *governor of the said royal hospital,* Charles Smith *esquire, lieutenant governor of the said hospital,* James Gunman *esquire, treasurer of the*

*said hospital, Sir* Edward Bellamy *knight, (since deceased) Sir* John Thompson *knight,* William Fawkener *esquire, and* William Baxter *esquire, seven of the commissioners or governors of the said hospital, the barony, manors, lands, and hereditaments, so limited to the said earl of* Plymouth *and lord* Widdrington, *for the term of five hundred years, as aforesaid, and all the estate, right, title, and interest of the said governor and company of the bank of* England, *of, in, and to the said barony, manors, lands, tenements, and hereditaments, and in and to the said term of five hundred years, to hold the same unto the said* Archibald Hamilton, Charles Smith, James Gunman, *Sir* Edward Bellamy, *Sir* John Thompson, William Fawkener, *and* William Baxter, *their executors, administrators, and assigns, for the remainder then to come of the said term of five hundred years, in trust, and to the intent that the rents, issues, and profits of the said premisses should and might be appropriated, applied, and disposed of, to the uses, and for the purposes directed in and by the said act of parliament made in the said eighth year of the reign of his said present Majesty, and for that purpose that the said term and estate might attend and wait upon the freehold and inheritance thereof, as the same was then vested in his Majesty, his heirs and successors: and whereas the said* Cuthbert Constable, *alias* Tunstall, *having refused to accept of any less rate or interest for the said principal sum of five thousand and nine hundred pounds, mentioned in the said recited act of the eighth year of his present Majesty's reign to be due to him upon mortgage, than the same was then at (and which sum of five thousand and nine hundred pounds, and the interest thereof, was heretofore secured to the said lady* Mary Radcliffe, *by a mortgage made to her by the said* Edward *earl of* Derwentwater *of the said manors of* Spindleston *and* Utchester, *for the term of five hundred years, by indenture bearing date the twenty second day of* April, *one thousand six hundred and ninety nine, pursuant to a power given him for that purpose by a certain act of parliament therein mentioned, in full satisfaction of the said sum of five thousand pounds, directed by the said recited indenture of release of the twenty fourth of* March, *one thousand six hundred and ninety one, to be raised for her, and the interest thereof to that time, and to which sum of five thousand nine hundred pounds the said* Cuthbert Constable, *alias* Tunstall, *became intitled by virtue of the will of the said lady* Mary Radcliffe, *of which will he was then the surviving executor) and the said Sir* Charles Wager, *Sir* Thomas Littleton, *Sir* Thomas Frankland, *and Sir* Jacob Ackworth, Thomas Pearse, George Purvis, Josiah Burchett, Tudor Trevor, Nicholas Clarke, *and* William Baxter, *having agreed with the governor and company of the bank of* England, *for advancing money at the rate of four pounds* per centum per annum, *for paying off the said sum of five thousand nine hundred pounds, the said* Cuthbert Constable, *alias* Tunstall, *in consideration of the said sum of five thousand nine hundred pounds paid to him by the said governor and company of the bank of* England, *did, by the appointment and direction of the said Sir* Charles Wager, *Sir* Thomas Littleton, *Sir* Thomas Frankland, *Sir* Jacob Ackworth, Thomas Pearse, George Purvis, Josiah Burchett, Tudor Trevor, Nicholas

cholas Clarke, *and* William Baxter, *grant, bargain, sell, and assign to the said governor and company of the bank of* England, *and their successors and assigns, the said manors of* Spindleston *and* Utchester, *to hold the same unto the said governor and company of the bank of* England, *and their successors and assigns, for the remainder then to come of the said term of five hundred years, by the said indenture of the twenty second day of* April, *one thousand six hundred and ninety nine, granted, subject to a proviso for the surrendering and assigning the said premisses to the said Sir* Charles Wager, *Sir* Thomas Littleton, *Sir* Thomas Frankland, *Sir* Jacob Ackworth, Thomas Pearse, George Purvis, Josiah Burchett, Tudor Trevor, Nicholas Clarke, *and* William Baxter, *their executors, administrators, or assigns, or to such person or persons as they should appoint and direct, on payment of the said sum of five thousand nine hundred pounds, with interest for the same, at the rate of four pounds* per centum per annum, *at the time therein mentioned: and the commissioners or governors of the said hospital, or some of them, having since paid out of the monies and revenues belonging to the said hospital, the said sum of five thousand nine hundred pounds, with all interest due for the same, the said governor and company of the bank of* England, *did, by another indenture bearing date the said sixteenth day of* February, *one thousand seven hundred and forty eight, bargain, sell, and assign unto the said* Archibald Hamilton, Charles Smith, James Gunman, *Sir* Edward Bellamy, *Sir* John Thompson, William Fawkener, *and* William Baxter, *their executors, administrators, and assigns, the said manors of* Spindleston *and* Utchester, *to hold the same unto the said* Archibald Hamilton, Charles Smith, James Gunman, *Sir* Edward Bellamy, *Sir* John Thompson, William Fawkener, *and* William Baxter, *their executors, administrators, and assigns, for the remainder then to come of the said last-mentioned term of five hundred years, in trust, and to the intent that the rents, issues, and profits of the said manors and premisses should and might be appropriated, applied, and disposed, to the uses, and for the purposes, directed in and by the said act of parliament made in the said eighth year of the reign of his present Majesty; and for that purpose, that the said term and estate might attend and wait upon the freehold and inheritance thereof, as the same was then vested in his Majesty, his heirs, and successors: and whereas the said* Mary Chamberlain, Edward Hopkins, *and* Anna Maria *his wife, and* Richard Luther *and* Charlotte *his wife, did immediately after the passing the said recited act, made in the eleventh year of his Majesty's reign, agree with the commissioners or governors of the said hospital to accept of four pounds* per centum per annum, *for the interest of the said principal sum of three thousand pounds, mentioned in the said recited act of the eighth year of his present Majesty's reign to be due to them upon mortgage (which sum of three thousand pounds was, by the said* Edward *earl of* Derwentwater, *by a certain deed poll, bearing date the twenty fourth day of* June, *one thousand six hundred and ninety nine, pursuant to a power to him given by a certain indenture of release, bearing date the twentieth day of* May, *in the third year of the reign of his Majesty King* James *the Second, charged upon the said barony, manor,*

*or*

*or lordship of* Langley, *and several other of the manors, lands, and hereditaments before-mentioned, and other the lands in the said deed poll mentioned, for the portion of his daughter lady* Tudor Radcliffe, *and which sum of three thousand pounds, was afterwards assigned to* Hugh Chamberlain *doctor in physick, by* William Petre *junior esquire, who intermarried with the said lady* Tudor Radcliffe; *and the said lady* Tudor *his wife, by indenture tripartite, bearing date the first day of* July, *one thousand seven hundred and twenty two, in the manner in the said indenture mentioned; and which said* Hugh Chamberlain *afterwards died, having first made his last will and testament in writing, and two codicils thereunto, and appointed his three daughters, the said* Mary Chamberlain, Anna Maria Hopkins, *and* Charlotte Luther, *executrixes of his will) but the said* Edward Hopkins, *having afterwards died, and the said* Mary Chamberlain, Anna Maria Hopkins, Richard Luther, *and* Charlotte *his wife, having thought fit to call in the said principal sum of three thousand pounds, the commissioners or governors of the said hospital did, out of the monies and revenues belonging to the said hospital pay the said sum of three thousand pounds, and all interest due for the same; and thereupon the said* Mary Chamberlain, Anna Maria Hopkins, Richard Luther *and* Charlotte *his wife, did by indenture, bearing date the sixteenth day of* May, *one thousand seven hundred and forty eight, assign unto the said* Archibald Hamilton, Charles Smith, James Gunman, *Sir* Edward Bellamy, *Sir* John Thompson, William Fawkener, *and* William Baxter, *their executors, administrators, and assigns, the said sum of three thousand pounds, and all interest thereafter to grow due for the same, and all their estate and interest in and to the said manor or lordship of* Langley, *and other the manors, lands, and hereditaments, by the said last-mentioned deed poll charged with the said sum of three thousand pounds and interest (except as therein is mentioned) to hold the said barony, manors, lands, and hereditaments (except as therein is mentioned) and the said sum of three thousand pounds charged thereon, unto the said* Archibald Hamilton, Charles Smith James Gunman, *Sir* Edward Bellamy, *Sir* John Thompson, William Fawkener, *and* William Baxter, *their heirs, executors, administrators and assigns, upon trust, to and for the use and benefit of the said royal hospital at* Greenwich: *and whereas the aforesaid* Charles Radcliffe, *did, after his having been so attainted as aforesaid, inter-marry with the right honourable* Charlotte *countess of* Newburgh, *by whom he had issue two sons, namely* James Bartholomew Radcliffe, *commonly called lord* Kenaird, *his eldest son who was born in* France *out of his Majesty's allegiance, on the twenty fifth day of* August, *one thousand seven hundred and twenty five, and* James Clement Radcliffe *his youngest son, and three daughters, to wit, the lady* Charlotte Radcliffe, *lady* Barbara Radcliffe, *and lady* Mary Radcliffe, *who were all also born out of his Majesty's allegiance in parts beyond the seas, and all of them (except the said lady* Mary Radcliffe) *have attained their respective ages of twenty one years: and whereas by a clause in an act made in the seventh year of the reign of her late majesty Queen* Anne *(intituled,* An act for the naturalizing foreign protestants) *it was enacted, That the children of all natural-born subjects, born out of the legiance of her Majesty, her*

7 Ann. c. 5.

*heirs*

*heirs and successors, should be deemed, adjudged, and taken to be natural-born subjects of this kingdom, to all intents, constructions, and purposes whatsoever: and whereas by an act of parliament made in the fourth year of his present Majesty's reign (intituled,* An act to explain a clause in an act made in the seventh year of the reign of her late majesty Queen *Anne, For naturalizing foreign protestants,* which relates to the children of the natural-born subjects of the crown of *England,* or of *Great Britain*) *it was enacted, That all children, born out of the legiance of the crown of* England, *or of* Great Britain, *or which should thereafter be born out of such legiance, whose fathers were or should be natural-born subjects of the crown of* England, *or of* Great Britain, *at the time of the birth of such children respectively, should and might, by virtue of the said recited clause in the said act of the seventh year of the reign of her late Majesty, and of that act, be adjudged and taken to be, and all such children were thereby declared to be natural-born subjects of the crown of* Great Britain, *to all intents, constructions, and purposes whatsoever; but it was by the said act provided, and further declared and enacted, That nothing in the said recited act of the seventh year of her said late Majesty's reign, or in that act contained, did or should extend, or ought to be construed, adjudged, or taken to extend, to make any children, born or to be born out of the legiance of the crown of* England, *or of the crown of* Great Britain, *to be natural-born subjects of the crown of* England, *or of* Great Britain, *whose fathers, at the birth of such children respectively, were or should be attainted of high treason, by judgment, outlawry, or otherwise, either in this kingdom or in* Ireland; *or whose fathers, at the time of the birth of such children respectively, by any law or laws made in this kingdom, or in* Ireland, *were or should be liable to the penalties of high treason or felony, in case of their returning into this kingdom, or into* Ireland, *without the licence of his Majesty, his heirs or successors, or of any of his Majesty's royal predecessors; or whose fathers, at the time of the birth of such children respectively, were or should be in the actual service of any foreign prince or state then in enmity with the crown of* England, *or of* Great Britain; *but that all such children were, and should be and remain, in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been in, if the said act of the seventh year of her said late Majesty's reign, or that act, had never been made, as by the said two last-mentioned acts of parliament may more fully appear: and whereas the said* James Bartholomew Radcliffe, *commonly called lord* Kennaird, *hath made a most dutiful representation to your Majesty; wherein, after having set forth the several limitations contained in the said settlement of the twenty fourth of* June, *one thousand seven hundred and twelve, and the several attainders of the said* James *earl of* Derwentwater, *and* Charles Radcliffe *his father, and his being the first son of the body of the said* Charles Radcliffe, *and the several acts of parliament herein before-recited, relating to the said forfeited estates, and that, by virtue thereof, the said manors, lands, and hereditaments, comprized in the said last-mentioned settlement, became vested in your Majesty, your heirs and successors, according to such estates and interests as the said attainted persons had therein at the*

4 Geo. 2. c. 21.

*time*

*times mentioned in the said first recited act, be the said* James Bartholomew Radcliffe *did, in all humility, shew to your Majesty, that being advised that your Majesty's estate and interest in the manors, lands, and hereditaments, comprized in the said settlement, under the said acts, did determine on the death of the said* Charles Radcliffe, *be the said* James Bartholomew Radcliffe *did well hope, that the commissioners and governors of* Greenwich Hospital *would have admitted him to be intitled, from the time of the death of the said* Charles Radcliffe, *to the possession of the said last-mentioned manors, lands, and hereditaments, under the limitations contained in the said settlement of the twenty fourth of* June, *one thousand seven hundred and twelve, to the first and other sons of the said* Charles Radcliffe *in tail male; but that he found the said commissioners and governors did not look on your Majesty's estate and interest in the said premisses to be determined, but did consider the said right, title, claim, and interest, which the said* James Bartholomew Radcliffe *pretended to under the said settlement of the twenty fourth day of* June, *one thousand seven hundred and twelve, to be null and void, inasmuch as neither the trustees for preserving the contingent remainders under the said settlement, nor any other person for or on the behalf of the first and other sons of the said* Charles Radcliffe, *had made any claim before the commissioners appointed by the said recited acts of the first and fourth years of his late Majesty, for the determining claims as aforesaid: and the said* James Bartholomew Radcliffe *did also shew to your Majesty, that he found it might be objected to him, that, as he was born within the dominions of the* French *King, in the year one thousand seven hundred and twenty five, and out of your Majesty's legiance, he was to be considered as an alien, and was to be excluded from all right and title to the said estates, although he was born of natural-born subjects, as before is mentioned; and thereupon the said* James Bartholomew Radcliffe *did most humbly represent it to your Majesty, that if he should be found to be an alien under the said act of the fourth year of your Majesty's reign, it could not be of any avail to him to litigate the question touching the necessity there was, under the act of his late Majesty, to enter a claim in behalf of an unborn person; and as the said* James Bartholomew Radcliffe *was absolutely unable to bear the expence of such a litigation, he did therefore submit to your Majesty's consideration several reasons and arguments in support of his right and title to the said estates, and whether he was to be considered as an alien, or not; and although he was to be considered as an alien, in which case he would be incapable to hold any estate against the crown, yet nevertheless he did contend, that he was capable for the benefit of the crown, to take such estate and interest as was limited to him by the said settlement; in regard whereof, and of the many singular hardships attendi g his case, he did humbly beseech your Majesty to extend your gr. and favour to him, and to grant him such relief for his support, as the circumstances of his case should require: and whereas your Majesty, out of your princely clemency, and from those motives of goodness and compassion, which are inherent in your royal nature, hath been pleased to signify to your parliament, That your Majesty was graciously inclined, that*

*some*

*some relief should be granted to the said* James Bartholomew Radcliffe, *so as the same should be consistent with the just rights of* Greenwich Hospital: *and whereas the said commissioners and governors of the said hospital are advised, that great doubts may arise, whether upon the construction of the true intent of the said act of the first year of the reign of his late majesty King* George *the First, and of the said other act of the fourth year of his reign, the use and estate in remainder limited by the said settlement of the twenty fourth day of* June, *one thousand seven hundred and twelve, to the first and other sons of the said* Charles Radcliffe, *was lost and destroyed, by reason that the same was not claimed before the commissioners and trustees appointed by the said act, for and on the behalf of such first and other sons, within the time prescribed by the said acts; and it may also be doubted, whether the claim made in behalf of the said* John Radcliffe *of the precedent use and estate limited to him, and the allowance thereof by the court of delegates, in such manner as before is mentioned, did not revest all the manors and hereditaments comprized in the said settlement of one thousand seven hundred and twelve, to the several uses limited in and by the said settlement, with such remainders as therein are expressed: and the said commissioners and governors are also advised, That in case the said act should not extend to make the said use and estate in remainder, limited by the said settlement to the first and other sons of the said* Charles Radcliffe *(they not being born or in being at the time of the said acts, and therefore not being persons actually having any estate and interest at that time) absolutely null and void, then the estate and interest of your Majesty, and consequently the right and title of the said hospital, which depends on the continuance thereof, may be considered as having determined on the death of the said* Charles Radcliffe; *and if the said* James Bartholomew Radcliffe *should be considered as an alien, then a new right might accrue to your Majesty, in virtue of your prerogative royal, so soon as an inquisition should be taken, finding the said* James Bartholomew Radcliffe *to be an alien accordingly: in regard of all which, and many other doubts and difficulties, the said commissioners and governors are advised, That it will be for the interest and advantage of the said hospital to consent that the said manors, lands, and hereditaments shall stand charged with the raising such sum of money as herein after is mentioned; so as that the right and title of the said hospital to the said manors, lands, and hereditaments, may be fully established, and that the fee and inheritance thereof may be absolutely vested in trustees for the use and benefit of the said hospital for ever, free and discharged from all the right, title, claim, and demand of the said* James Bartholomew Radcliffe, *and of his Majesty in his right, and of all others claiming by or under any of the limitations contained in the said settlement, so dated the said twenty fourth day of* June, *one thousand seven hundred and twelve, as aforesaid; and so that the said commissioners and governors of the said hospital may have and exercise full power to cut down and make sale of the timber on the premisses for the benefit of the said hospital, as they shall think fit, and to make such leases of the same, and of the mines open or unopen, as they shall think proper: and whereas the*

*said*

*said* Charlotte *countess of* Newburgh, *for and on the behalf of the said* James Clement Radcliffe, *her second son, and the said lady* Charlotte Radcliffe, *lady* Barbara Radcliffe, *and lady* Mary Radcliffe, *hath most humbly implored your Majesty to extend your royal grace and favour to them, humbly representing, That if no relief should be granted to them, they will be destitute of all manner of provision after the death of the said countess of* Newburgh; *and the said* James Bartholomew Radcliffe *is consenting, That all the right, title, and interest, which he or his issue male hath or can have, to the manors, lands, tenements, and hereditaments, comprized in the settlement of the said twenty fourth day of* June, *one thousand seven hundred and twelve, shall be extinguished by authority of parliament, and that the absolute fee-simple, and inheritance of the said premisses, shall be so vested in the said royal hospital at* Greenwich, *and their successors, for ever: and whereas your Majesty has been graciously pleased to signify to your parliament, That your Majesty was willing and desirous, and gave your consent, that the parliament might make whatever disposition and settlement they should think fit of the interest your Majesty hath or may have in the said estates, so as the same be for the use and benefit of the royal hospital at* Greenwich, *with the allowance which shall be thought proper to be made thereout for the relief of the children of the said* Charles Radcliffe: wherefore your Majesty's faithful commons in parliament assembled, do humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all the said barony, manor, or lordship of *Langley*, with the rights, members, and appurtenances thereof, in the county of *Northumberland*; and also all those the said manors of *Whittingstall* alias *Quittingstall*, and *Newlands*, *Dilston*, alias *Develston*, *Aydon Shields*, *Warke*, *Elrington*, and *Meldon*, and every of them, with their and every of their rights, members, and appurtenances in the said county of *Northumberland*; and all those the said manors or reputed manors of *Spindleston*, *Utchester*, *Throckley*, *Coastley*, *Middleton Hall*, *East Thornton*, alias *Thornton East*, *Westwood*, and *Thornborough*, and every of them, with their and every of their rights, members, and appurtenances in the said county of *Northumberland*; and also all that the advowson of the said church of *Symondburne*, with the appurtenances in the said county of *Northumberland*; and also all those the said manors or reputed manors of *Castlerigg* and *Derwentwater* alias *Keswick* and *Thornthwaite*, with their and every of their rights, members, and appurtenances in the county of *Cumberland*; and also all that the said manor of *Scremerston*, with the rights, members, and appurtenances in the county palatine of *Durham*; and also all and singular the messuages, granges, farms, lands, meadows, pastures, feedings, woods, underwoods, tenements, and hereditaments whatsoever, late the estate of the said *James* late earl of *Derwentwater*, or whereof he was seised of any estate of inheritance in possession, reversion, remainder, or expectancy, situate,

The Barony and manors hereindescribed, divested out of his Majesty from the death of Charles Radcliffe,

ate, lying, and being in the said counties of *Northumberland* and *Cumberland*, county palatine of *Durham*, and every of them, with their appurtenances, which, by the said recited indentures of lease and release of the twenty third and twenty fourth days of *June*, one thousand seven hundred and twelve, were settled, limited, and assured to the uses in the said indenture of release of the twenty fourth day of *June*, one thousand seven hundred and twelve, mentioned; and the reversion and reversions, remainder and remainders, rents, issues, and profits of all and singular the same premisses, shall, from and immediately after the death of the said *Charles Radcliffe*, be and be deemed to be, and to have been divested out of his Majesty, his heirs and successors, and settled upon, and vested in, and the same are hereby from thenceforth settled upon and vested in the most noble *Charles* duke of *Richmond* and *Lenox*, and the right honourable *Henry Fox* esquire, their heirs and assigns, freed, acquitted, and absolutely discharged of, from, and against all and every the uses, estates, and limitations, in and by the said indenture of release or settlement, bearing date the said twenty fourth day of *June*, one thousand seven hundred and twelve, limited and created of and concerning the same, to and for the first and other sons of the said *Charles Radcliffe*, and the issue male of such first and other sons, and freed and absolutely discharged of and from all such right, title, estate, interest, claim, and demand, as was vested in his Majesty, his heirs and successors, by virtue of the several attainders herein before-mentioned, or of the said several acts of parliament herein before-recited, or any of them, and also freed and absolutely discharged of and from all such right, title, estate, interest, claim, and demand, as is vested, or that might or could accrue or belong to his Majesty, his heirs or successors, by reason or means of the said *James Bartholomew Radcliffe*, and *James Clement Radcliffe*, or either of them, having been born out of the dominions of the crown of *Great Britain*, or otherwise howsoever, save as herein after is saved; to the use of them the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, their executors, administrators, and assigns, for and during, and unto the full end and term of five hundred years, to be computed from the day of the death of the said *Charles Radcliffe*, and from thence next ensuing, and fully to be compleat and ended, without impeachment of waste; and from and after the end, expiration, or other determination of the said term, then to and for the only proper use and behoof of the right honourable *Archibald Hamilton* esquire, commonly called lord *Archibald Hamilton*, *Charles Smith* esquire, *James Gunman* esquire, Sir *John Thompson* knight, Sir *James Creed* knight, *Peter Burrell* esquire, *William Fawkener* esquire, *William Baxter* esquire, *Edward Vernon* esquire, *Thomas Ripley* esquire, doctor *David Cockburn*, *James Spilman* esquire, *William Allix* esquire, *Fitzwilliam Plumptre* esquire, *William Young* esquire, and captain *Francis Dansays*, being sixteen of the commissioners, or governors and directors of the said royal hospital for seamen at *Greenwich*, their heirs

and vested in the duke of Richmond and the right honourable Henry Fox esquire, for the term of 500 years.

and after the expiration of the said term, in the commissioners for Greenwich Hospital.

heirs and assigns for ever; in trust nevertheless for themselves and the rest of the commissioners, or governors and directors for the time being of the said royal hospital, for the uses and purposes following; (that is to say) In the first place, for and towards the finishing and completing the building of the said royal hospital; and after the building of the same shall be completed and finished, for and towards the support of the said royal hospital, for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country.

Certain lands divested out of his Majesty,

II. And it is further enacted by the authority aforesaid, That all that the said manor and lordship of *Alstone* alias *Aldstone Moore*, and *Garrigill*, and all and every the rights, members, and appurtenances thereunto belonging, in the said county of *Cumberland*; and all those the said two parts (the whole into three parts to be divided) of the said manor and lordship of *Newton-Hall*, in the said county of *Northumberland*; and all that the said moiety or one half part of the said village or township of *Buteland*, in the said parish of *Chollerton* and county of *Northumberland*; and all those the said rectories and parsonages of *Kirke Whelpington*, *Harburne* alias *Hartburne*, and *Midford*, in the said county of *Northumberland*; and all and singular the messuages, tythes, farms, lands, tenements, and hereditaments whatsoever, situate, lying, and being in the said county of *Northumberland*, which by the said recited indentures of lease and release of the twenty third and twenty fourth days of *March*, one thousand six hundred and ninety one, were settled, limited, and assured to the uses in the said indenture of release of the twenty fourth day of *March*, one thousand six hundred and ninety one, mentioned, and which, by virtue of the several attainders herein before-mentioned, and of the said recited acts of parliament, or some of them, do now remain vested in his Majesty, his heirs and successors, subject to such appropriation for the rents and profits thereof for the use and benefit of the said royal hospital at *Greenwich*, as aforesaid; and the reversion and reversions, remainder and remainders, rents, issues, and profits of all and singular the said last-mentioned premisses, shall from henceforth be divested out of his Majesty, his heirs and successors, and the same shall be, and shall be deemed to be, and they are accordingly, from henceforth, settled upon, and vested in the said *Archibald Hamilton*, *Charles Smith*, *James Gunman*, Sir *John Thompson*, Sir *James Creed*, *Peter Burrell*, *William Fawkener*, *William Baxter*, *Edward Vernon*, *Thomas Ripley*, *David Cockburn*, *James Spilman*, *William Allix*, *Fitzwilliam Plumptre*, *William Young*, and *Francis Dansays*, their heirs and assigns, to the use of them, their heirs and assigns for ever, in trust nevertheless for themselves and the rest of the commissioners, or governors and directors for the time being of the said royal hospital, for and towards finishing and completing the building of the said royal hospital; and after the building of the same shall be compleated and finished, for and towards the support of the said roy-

and vested in certain of the commissioners for Greenwich Hospital in trust.

a

al hospital for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country, freed and absolutely discharged of and from all such right, title, estate, interest, claim, and demand, as was vested in his Majesty, his heirs and successors, by virtue of the several attainders herein before-mentioned, or of the said several acts of parliament herein before recited, or any of them, or otherwise howsoever, and freed and absolutely discharged of and from all such right, title, estate, interest, claim, or demand, as any other person or persons whatsoever hath or have, or may or can have, in or to the said last-mentioned manors, messuages, lands, tenements, and hereditaments, or in or to any part or parcel thereof, upon any account howsoever, save as herein after is mentioned.

III. And it is hereby enacted, That the said, *Archibald Hamilton*, *Charles Smith*, *James Gunman*, Sir *John Thompson*, Sir *James Creed*, *Peter Burrell*, *William Fawkener*, *William Baxter*, *Edward Vernon*, *Thomas Ripley*, *David Cockburn*, *James Spilman* *William Allix*, *Fitzwilliam Plumptre*, *William Young*, and *Francis Dansays*, their heirs and assigns, shall, in trust as aforesaid, but subject to the said term of five hundred years (as to the premisses comprized in the said settlement of the twenty fourth day of *June*, one thousand seven hundred and twelve, and as the same is herein before created and limited) hold and enjoy all and singular the manors, lands, tenements, and hereditaments, comprized in the said settlements of the twenty fourth day of *March*, one thousand six hundred and ninety one, and the twenty fourth day of *June*, one thousand seven hundred and twelve, and which are herein before vested or mentioned to be vested in them the said *Archibald Hamilton*, *Charles Smith*, *James Gunman*, Sir *John Thompson*, Sir *James Creed*, *Peter Burrell*, *William Fawkener*, *William Baxter*, *Edward Vernon*, *Thomas Ripley*, *David Cockburn*, *James Spilman*, *William Allix*, *Fitzwilliam Plumptre*, *William Young*, and *Francis Dansays*; and the same shall be and be deemed to be held of the King's majesty, his heirs and successors, as of his Majesty's manor of *East Greenwich* in the county of *Kent*, by free and common soccage tenure; but nevertheless the said manors, lands, tenements, and hereditaments shall be and shall be deemed to be subject to such quit-rents, crown-rents, and dutchy-rents issuing thereout respectively, as the same were respectively liable to on the twenty third of *June*, one thousand seven hundred and fifteen.

The trustees to hold the said manors, &c. in trust,

subject to quit rents, &c.

IV. And it is also hereby enacted and declared, That the present or future commissioners, or governors and directors of the said royal hospital at *Greenwich*, or any of them, shall not be answerable or accountable to any person or persons, other than to the said royal hospital, for or in respect of all or any part of the rents, issues, and profits of the manors, lands, tenements, and hereditaments, comprized in the said recited indentures of lease and release of the twenty third and twenty fourth days of *June*, one thousand seven hundred and twelve, which accrued

to be accountable to the hospital.

or became due from the death of the said *Charles Radcliffe*, and which have already been, or shall hereafter be received by them, or any of them, except by laying such accounts before his Majesty, and both houses of parliament, as by the said recited act of the eighth year of his present Majesty's reign is directed; but that all such rents, issues, and profits, and all fines and sums of money which accrued, or became due or payable from the death of the said *Charles Radcliffe*, shall be appropriated and applied to the uses, and for the purposes, in the said act of the eighth year of his present Majesty's reign mentioned, and herein before recited; nevertheless they the said commissioners, or governors and directors for the time being, shall, from time to time, lay the accounts of their receipts, payments, and disbursements before his Majesty, and both houses of parliament, as by the said recited act of the eighth of his present Majesty is directed, as well with respect to the manors, lands, and hereditaments, comprized in the said settlement of the twenty fourth day of *June*, one thousand seven hundred and twelve, as with respect to the manors, lands, and hereditaments,, comprized in the said settlement of the twenty fourth day of *March*, one thousand six hundred and ninety one.

and to lay their accounts before the King and parliament.

V. *And whereas by reason of the limitation herein before made to the said* Archibald Hamilton, Charles Smith, James Gunman, *Sir* John Thompson, *Sir* James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, *and* Francis Dansays, *of the said manors, lands, tenements, and hereditaments, in manner as aforesaid, a doubt may be made, whether the tenants of the said estates ought from henceforth to do such acts and services, and pay such fines and sums, as by the nature and tenure of their estates, founded upon immemorial usage and custom, or otherwise, they would be to have done and performed, and paid on the death of any lord thereof, in case the limitation of the said manors, lands, tenements, and hereditaments was made to a particular person only, and his heirs*; now, in order to make the like provisions as were made by the said act of the eleventh year of his present Majesty's reign, for obliging the tenants of the said estates to do such acts and services, and to pay such fines and sums of money as aforesaid, it is further enacted by the authority aforesaid, That upon the death of his present Majesty (whom God long preserve for the benefit of his people) and also upon the death of every successive King and Queen of this realm, all such acts and services shall be done and performed, and all such fines and sums of money shall be paid by the respective tenants of the said estates, to the said commissioners, or governors and directors for the time being, of the said royal hospital at *Greenwich*, as by the ancient tenure thereof, or by any contract, law, usage, or custom ought to be done, performed, and paid by them, in case the said manors, lands, tenements, and hereditaments had continued to be, or were actually vested in his Majesty, his heirs and successors, and that he

Fines and services to be performed and paid by the tenants, upon the death of the King.

and they were to be considered as private persons only, and not in their politick capacity; and for default of performance of such acts and services which ought so to be done and performed, and for default of payment of any such fines and sums of money which ought so to be paid, such forfeitures and penalties shall accrue and become due, and it shall be lawful for the said commissioners, or governors and directors for the time being of the said royal hospital, in the name of any one of them, to use and take all such ways and means for recovering and taking advantage of the said forfeitures and penalties, as might be lawfully used or taken by his Majesty, his heirs and successors, in case the said manors, lands, tenements, and hereditaments had continued to be, or were actually vested in his Majesty, his heirs and successors, and that he and they were to be considered as private persons only, and not in their politick capacity; any law, usage, or custom to the contrary notwithstanding.

The commissioners impowered to sue for forfeitures.

VI. And it is hereby further enacted, That the said *Archibald Hamilton*, *Charles Smith*, *James Gunman*, Sir *John Thompson*, *William Fawkener*, and *William Baxter*, and the survivors and survivor of them, and the executors and administrators of such survivor, shall stand possessed of, and interested in the barony manors, lands, and hereditaments by the said two several indentures, both bearing date the sixteenth day of *February*, one thousand seven hundred and forty eight respectively, bargained, sold, and assigned unto the said *Archibald Hamilton*, *Charles Smith*, *James Gunman*, Sir *Edward Bellamy*, Sir *John Thompson*, *William Fawkener*, and *William Baxter*, their executors, administrators, and assigns, for and during all the rest, residue, and remainder, now to come, and unexpired, of the several terms of five hundred years and five hundred years in the same indentures mentioned; and that they the said *Archibald Hamilton*, *Charles Smith*, *James Gunman*, Sir *John Thompson*, *William Fawkener*, and *William Baxter*, and the survivors and survivor of them, and the respective heirs, executors, and administrators of such survivor, shall stand seized and possessed of, and interested in the aforesaid sum of three thousand pounds, and the barony, manors, lands, and hereditaments, charged with the payment thereof, in trust for the commissioners, or governors and directors for the time being, of the said royal hospital at *Greenwich*; and to the intent that the said last-mentioned terms of five hundred years, and five hundred years, may attend and wait upon the freehold and inheritance of the premisses therein respectively comprized, and herein before limited to the said *Archibald Hamilton*, *Charles Smith*, *James Gunman*, Sir *John Thompson*, Sir *James Creed*, *Peter Burrell*, *William Fawkener*, *William Baxter*, *Edward Vernon*, *Thomas Ripley*, *David Cockburn*, *James Spilman*, *William Allix*, *Fitzwilliam Plumptre*, *William Young*, and *Francis Dansays*, and to protect the same from all mesne incumbrances, if any should happen to be; but subject nevertheless, and without prejudice to the said term of five hundred years, herein before limited to the said *Charles* duke

Trustees to stand possessed of the lands assigned to them by two indentures bearing date 16 Feb. 1748, for the several terms of 500 years.

and in the sum of 3000l. in trust for the hospital at Greenwich, &c.

subject to the term of 500 years, limited to the duke of Richmond,

and Henry Fox esquire.

duke of *Richmond* and *Lenox*, and *Henry Fox*, their executors, administrators, and assigns, as aforesaid.

The commissioners for Greenwich Hospital impowered to appoint officers to receive the rents, &c.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners, or governors and directors for the time being, of the said royal hospital at *Greenwich*, or any seven or more of them, from time to time, and at all times hereafter, to appoint stewards, receivers, or bailiffs, of the said manors, lands, tenements, and hereditaments, and to invest them with full power to receive and get in the rents, issues, and profits thereof, and to give receipts, discharges, and acquittances for the same, and to hold courts, and to do and perform all acts, matters and things necessary for the managing the said premisses, usually done and performed by stewards, receivers, and bailiffs, and also to assign and allow such salaries and rewards to the said stewards, receivers, and bailiffs, as the said commissioners, or governors and directors of the said royal hospital for the time being, or any seven or more of them, shall think requisite and necessary in that behalf; and also that it shall and may be lawful to and for the said commissioners, or governors and directors of the said hospital for the time being, or any seven or more of them, from time to time, and at all times hereafter, to contract for the sale of, and accordingly to make sale and dispose of all or any such part or parts of the timber, or timber trees on the said estates, as they the said commissioners, or governors and directors, or any seven or more of them, shall think fit, and to authorize and appoint any person or persons to make any contract or contracts for the sale of all or any part or parts of such timber and timber trees, and to receive the purchase-money for the same, without being obliged to make any application for all or any of those purposes to his Majesty's court of *exchequer*, or to any person or persons whatsoever.

and to allow salaries,

and to make sale of timber,

without application to the Exchequer.

The money arising by sale of timber, to be applied to the hospital.

VIII. And it is hereby enacted, That the money to arise by the sale of the said timber, shall be applied to the use of the said hospital, but so nevertheless, as that no person or persons who shall purchase any part of such timber, shall be answerable for the application of such purchase-money; and that it shall and may be lawful to and for the said commissioners, or governors and directors of the said hospital, or any seven or more of them, to direct the cutting down, from time to time, such timber and timber trees from off the said estates, as they shall at any time adjudge necessary or fitting to be used in the repairing any houses, tenements, buildings, or erections on the said estates, or to be used in the building any new houses, tenements, edifices, buildings, or structures, as they shall judge fitting to be erected on the said estates, or shall think it necessary or reasonable to build or erect for any tenants of the said estates, or for the benefit or improvement of the premisses, or any part thereof.

Commissioners impowered to cut down timber necessary for repairs.

and to demise the mines for 21 years.

IX. And be it further enacted, That it shall and may be lawful to and for the commissioners, or governors and directors for the time being of the said royal hospital at *Greenwich*, or any seven or more of them, from time to time, and at all times hereafter

after, to demise and grant all and every, or any of the mines of lead, coal, and other minerals, as well opened as not opened, within and under any of the aforesaid lands and premisses, to any person or persons, for any term or number of years, not exceeding twenty one years, and to grant leases of all or any of the aforesaid manors, lands, tenements, and hereditaments, unto any person or persons, for any term or number of years, not exceeding twenty one years, to take effect in possession and not in reversion, reserving on every lease, demise, or grant of mines, such dues, rent or rents, and profits, as they shall judge most reasonable, and reserving, on every other lease and demise, the best yearly or other rents or dues which can be reasonably gotten for the same, without taking any fine, *premium*, or foregift; and that it shall be lawful for the said commissioners, or governors and directors of the said hospital, or any seven or more of them, to grant in every such lease, demise, or grant of mines and minerals, to the respective adventurers, lessee or lessees of such mines and minerals, full power and liberty to win and work the same mines and minerals, and to do every other reasonable act and thing requisite and necessary for that purpose.

and to grant leases for 21 years,

without fine;

and to grant power to work mines, &c.

X. But it is hereby enacted, That in every such demise and lease, there shall be contained a condition of re-entry for non-payment of the rent and rents thereby respectively to be reserved; and it shall be requisite for the respective lessees to execute counterparts of all such demises and leases, and no clause shall be contained in any of the said demises or leases, other than in demises or leases of the said mines or minerals, whereby to give power to any lessee to commit waste, or to exempt him, her, or them from punishment for committing the same.

Condition for re-entry on nonpayment of rent, &c.

XI. *And whereas the fines, customs, and services, by and under which several of the tenants hold their farms, lands, tenements, and estates, lying and being within several of the aforesaid manors, are agreed, ascertained, or expressed in some articles, indenture, deed, or writing, now or late in the custody or power of some of the said tenants, which, if produced, might be a means to prevent disputes, differences, and suits, concerning the said fines, customs, and services, and for the quiet and benefit both of the lord and tenants: and it may happen, that such tenants may refuse to produce or shew such articles, indenture, deed, or writing*; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for any seven or more of the commissioners, or governors and directors of the said hospital for the time being, to apply to his Majesty's court of *exchequer* at *Westminster*, by motion in a summary way, against any tenant or tenants holding any farms, lands, tenements, or estates, lying and being within the said manors, or any of them, of whose having in his, her, or their custody or power any such articles, indenture, deed, or writing, probable evidence shall be shewed to the satisfaction of the said court, for such tenant or tenants to produce and shew forth the same; upon which motion, it shall and may be lawful to and for the said court of *exchequer*, to examine and enquire into the said matter, and to make such order or orders with respect to the produ-

The commissioners may apply to the exchequer for tenants to produce writings.

Exchequer to make order thereon.

cing and shewing forth any such articles, indenture, deed, or writing, by any such tenant or tenants appearing to the said court to have the same in his, her, or their custody or power, and with respect to any copy or copies to be had and made thereof, and such other order and orders concerning the same, as the said court shall think proper and just.

Power given of electing trustees in the room of those who shall die.

XII. And it is hereby further enacted, That so soon as it shall happen that so many of them the said *Archibald Hamilton*, *Charles Smith*, *James Gunman*, Sir *John Thompson*, Sir *James Creed*, *Peter Burrell*, *William Fawkener*, *William Baxter*, *Edward Vernon*, *Thomas Ripley*, *David Cockburn*, *James Spilman*, *William Allix*, *Fitzwilliam Plumptre*, *William Young*, and *Francis Dansays*, the trustees nominated and appointed in and by this act, for and on the behalf of the said commissioners, or governors and directors of the said royal hospital at *Greenwich*, shall happen to die, so as that the number of such trustees shall be reduced to eleven, or any lesser number, that then and in that case, it shall and may be lawful to and for the commissioners, or governors, and directors of the said hospital for the time being or any seven or more of them, and they are hereby authorized and impowered at any time thereafter, by any deed or instrument in writing under their respective hands and seals, and to be enrolled in his Majesty's high court of *Chancery*, to nominate such other persons as they the said commissioners, or governors and directors of the said hospital, or any seven or more of them, shall think fit, in the place of such of the said trustees as shall so happen to die; and that it also shall and may be lawful to and for the said commissioners, or governors and directors of the said hospital for the time being, or any seven or more of them, and they are hereby authorized and impowered, from time to time, and at all times afterwards, when and so often as any other of the said trustees, or when and so often as any of such other persons as shall be so nominated as aforesaid, or any other persons to be afterwards nominated in pursuance of this act (which they are hereby authorized and impowered to nominate accordingly) shall happen to die, by any such deed or instrument in writing as aforesaid, to nominate such other persons as they the said commissioners, or governors and directors, or any seven or more of them, shall think fit, in the place of all and every the person and persons so dying.

The lands to vest in the joint trustees.

XIII. And it is hereby enacted and declared, That from and immediately after every such nomination, all and singular the manors, lands, tenements, and hereditaments and powers herein before limited and given to the said *Archibald Hamilton*, *Charles Smith*, *James Gunman*, Sir *John Thompson*, Sir *James Creed*, *Peter Burrell*, *William Fawkener*, *William Baxter*, *Edward Vernon*, *Thomas Ripley*, *David Cockburn*, *James Spilman*, *William Allix*, *Fitzwilliam Plumptre*, *William Young*, and *Francis Dansays*, and their heirs as aforesaid, shall be well vested in the persons who from time to time, shall be so nominated as aforesaid, jointly with the survivors of the said trustees, or such other persons as afore-

aforesaid, and in their heirs, in trust for the said commissioners, or governors and directors of the said hospital, as fully and effectually, to all intents and purposes, as if the persons to be so nominated as aforesaid, had been actually named in this act, and the said manors, lands, tenements, and hereditaments and powers had been hereby limited and given to them and the survivors of the said trustees, or such other persons, as aforesaid, and their heirs.

The term of 500 years limited to the duke of Richmond and Henry Fox esquire, in trust,

XIV. And it is hereby declared, That the said term of five hundred years is so limited to the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, their executors, administrators, and assigns, upon trust, that they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, and the survivor of them, and the executors, administrators, and assigns of such survivor, do and shall by demise or mortgage of the manors, messuages, lands, tenements, and hereditaments, comprized in the said term, or of a competent part thereof, for all or any part of the said term, levy and raise the full sum of thirty thousand pounds of lawful money of *Great Britain*, and do and shall by and out of the rents, issues, and profits of the said manors, lands, tenements, and hereditaments, levy and raise interest for the same from the twenty ninth day of *September*, one thousand seven hundred and forty eight, at the rate of four pounds *per centum per annum*, until the said principal sum shall be levied and raised; and do and shall pay the sum of six thousand pounds, part of the said principal sum of thirty thousand pounds, and interest for the same at the rate aforesaid, from the twenty fifth day of *March*, one thousand seven hundred and forty nine, unto the said lady *Charlotte Radcliffe*, lady *Barbara Radcliffe*, and lady *Mary Radcliffe*, equally to be divided among them share and share alike, the parts and shares of the said lady *Charlotte Radcliffe*, and lady *Barbara Radcliffe*, to be paid as soon as may be after the said thirty thousand pounds shall have been so levied and raised, and in the mean time to be considered as vested interests respectively, and to go to their several executors, administrators, and assigns respectively; and the part or share of the said lady *Mary Radcliffe*, to be paid at her age of eighteen years, or day of marriage, which shall first happen: but if the said lady *Mary Radcliffe* shall happen to die before she shall attain her age of eighteen years, or be married, then the part and share of her the said lady *Mary Radcliffe*, of and in the said sum of six thousand pounds, and the interest thereof, shall be paid unto the said lady *Charlotte Radcliffe*, and lady *Barbara Radcliffe*, equally to be divided between them share and share alike, and their respective shares therein to be considered as vested interests, in like manner; and as to the principal sum of twenty four thousand pounds residue of the said principal sum of thirty thousand pounds, upon trust, that they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, and the survivor of them, and the executors, administrators, and assigns of such survivor do and shall, from time to time, lay out and invest the said principal sum of twenty four thousand

to raise 30,000 l. with interest at 4 l. per cent.

6,000 l. thereof to be paid to the ladies Charlotte Radcliffe, Barbara Radcliffe, and Mary Radcliffe, &c.

Disposition of lady Mary Radcliffe's portion in case she die before 18 years of age, or marriage.

Trustees to invest 24,000 l. in the publick funds, or stocks, &c.

thousand pounds, either in the publick funds, or in the purchase of parliamentary stocks, or do and shall place out the same at interest upon government securities; and upon further trust, that they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, and the survivor of them, and the executors and administrators of such survivor do and shall pay the interest of the said principal sum of twenty four thousand pounds from the said twenty fifth day of *March*, one thousand seven hundred and forty nine, until the same shall belevied and raised by them, and the interest of the said whole principal sum of thirty thousand pounds, from the said twenty ninth day of *September*, one thousand seven hundred and forty eight, to the said twenty fifth day of *March*, one thousand seven hundred and forty nine; and also from time to time pay the interest, dividends, annual profits, and proceed, which shall at any time or times arise by or in respect of the said principal sum of twenty four thousand pounds, after the same shall be levied and raised by them, and of the stocks, funds, and securities, in which the same shall or may be invested unto the said *James Bartholomew Radcliffe* and his assigns, during his natural life, for his and their own sole use and benefit, and from and after the decease of the said *James Bartholomew Radcliffe*, then do and shall pay the interests, dividends, annual profits, and proceed, which shall at any time or times thereafter arise by or in respect of the said principal sum, stocks, funds, and securities, unto the first son of the said *James Bartholomew Radcliffe*, lawfully to be begotten, to and for his own use and benefit, until he shall attain the age of twenty one years, or shall die under that age without issue of his body; and in case such first son of the said *James Bartholomew Radcliffe* shall attain his age of twenty one years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such first son of the said *James Bartholomew Radcliffe*, his executors, and administrators, for his and their own sole use and benefit; but in case such first son shall happen to die under the age of twenty one years without issue of his body, that then they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities unto the second son of the said *James Bartholomew Radcliffe*, lawfully to be begotton, to and for his own use and benefit, until he shall attain the age of twenty one years, or shall die under that age without issue of his body; and in case such second son of the said *James Bartholomew Radcliffe* shall attain his age of twenty one years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such second son of the said *James Bartholomew Radcliffe*, his executors and administrators, for his and their own sole use and benefit; but in case such second son shall happen to die under the age of twenty one years without issue of his body, that then they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry*

and to pay interest for the same, and for the whole principal of 30,000 l.

Interest of 24,000 l. to be paid to James Bartholomew Radcliffe, and his issue male;

*Henry Fox*, their executors, administrators, and assigns, shall stand and be possessed of and interested in the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities, in which the same shall or may be invested, in trust for the third, fourth, fifth, and all and every other the son and sons of the said *James Bartholomew Radcliffe*, lawfully to be begotten, in like manner, and for such interests, as are herein before respectively limited to the said first and second sons of the said *James Bartholomew Radcliffe*, every such son and sons to be intitled to, and to take the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, and the interest, dividends, annual profits, and proceed thereof, severally and successively one after the other, according to his and their priority of birth, the elder of such son and sons being always preferred, and to be intitled to and to take the same before the younger of such son and sons; and in case there shall not be any son of the said *James Bartholomew Radcliffe*, lawfully begotten, or all such sons shall die before any of them shall attain his age of twenty one years, and without leaving issue of their bodies, then that they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities, unto the first daughter of the said *James Bartholomew Radcliffe*, lawfully to be begotten, to and for her own use and benefit, until she shall attain the age of eighteen years, or shall die under that age, without issue of her body; and in case such first daughter of the said *James Bartholomew Radcliffe* shall attain her age of eighteen years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such first daughter of the said *James Bartholomew Radcliffe*, her executors and administrators, for her and their own sole use and benefit; but in case such first daughter shall happen to die under the age of eighteen years without issue of her body, that then they the said trustees do and shall pay the interest, dividends, annual profits and proceed of the said principal sum, stocks, funds, and securities, unto the second daughter of the said *James Bartholomew Radcliffe*, lawfully to be begotten, to and for her own use and benefit, until she shall attain the age of eighteen years, or shall die under that age, without issue of her body; and in case such second daughter of the said *James Bartholomew Radcliffe* shall attain her age of eighteen years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such second daughter of the said *James Bartholomew Radcliffe*, her executors and administrators, for her and their own sole use and benefit; but in case such second daughter shall happen to die under the age of eighteen years, without issue of her body, then that they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, their executors, administrators, and assigns, shall stand and be possessed of and interested in the said

and in case of failure of male issue then to his issue female;

thousand pounds, either in the publick funds, or in the purchase of parliamentary stocks, or do and shall place out the same at interest upon government securities; and upon further trust, that they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, and the survivor of them, and the executors and administrators of such survivor do and shall pay the interest of the said principal sum of twenty four thousand pounds from the said twenty fifth day of *March*, one thousand seven hundred and forty nine, until the same shall belevied and raised by them, and the interest of the said whole principal sum of thirty thousand pounds, from the said twenty ninth day of *September*, one thousand seven hundred and forty eight, to the said twenty fifth day of *March*, one thousand seven hundred and forty nine; and also from time to time pay the interest, dividends, annual profits, and proceed, which shall at any time or times arise by or in respect of the said principal sum of twenty four thousand pounds, after the same shall be levied and raised by them, and of the stocks, funds, and securities, in which the same shall or may be invested unto the said *James Bartholomew Radcliffe* and his assigns, during his natural life, for his and their own sole use and benefit, and from and after the decease of the said *James Bartholomew Radcliffe*, then do and shall pay the interests, dividends, annual profits, and proceed, which shall at any time or times thereafter arise by or in respect of the said principal sum, stocks, funds, and securities, unto the first son of the said *James Bartholomew Radcliffe*, lawfully to be begotten, to and for his own use and benefit, until he shall attain the age of twenty one years, or shall die under that age without issue of his body; and in case such first son of the said *James Bartholomew Radcliffe* shall attain his age of twenty one years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such first son of the said *James Bartholomew Radcliffe*, his executors, and administrators, for his and their own sole use and benefit; but in case such first son shall happen to die under the age of twenty one years without issue of his body, that then they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities unto the second son of the said *James Bartholomew Radcliffe*, lawfully to be begotton, to and for his own use and benefit, until he shall attain the age of twenty one years, or shall die under that age without issue of his body; and in case such second son of the said *James Bartholomew Radcliffe* shall attain his age of twenty one years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such second son of the said *James Bartholomew Radcliffe*, his executors and administrators, for his and their own sole use and benefit; but in case such second son shall happen to die under the age of twenty one years without issue of his body, that then they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry*

and to pay interest for the same, and for the whole principal of 30,000 l.

Interest of 24,000 l. to be paid to James Bartholomew Radcliffe, and his issue male;

*Henry Fox*, their executors, administrators, and assigns, shall stand and be possessed of and interested in the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities, in which the same shall or may be invested, in trust for the third, fourth, fifth, and all and every other the son and sons of the said *James Bartholomew Radcliffe*, lawfully to be begotten, in like manner, and for such interests, as are herein before respectively limited to the said first and second sons of the said *James Bartholomew Radcliffe*, every such son and sons to be intitled to, and to take the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, and the interest, dividends, annual profits, and proceed thereof, severally and successively one after the other, according to his and their priority of birth, the elder of such son and sons being always preferred, and to be intitled to and to take the same before the younger of such son and sons; and in case there shall not be any son of the said *James Bartholomew Radcliffe*, lawfully begotten, or all such sons shall die before any of them shall attain his age of twenty one years, and without leaving issue of their bodies, then that they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities, unto the first daughter of the said *James Bartholomew Radcliffe*, lawfully to be begotten, to and for her own use and benefit, until she shall attain the age of eighteen years, or shall die under that age, without issue of her body; and in case such first daughter of the said *James Bartholomew Radcliffe* shall attain her age of eighteen years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such first daughter of the said *James Bartholomew Radcliffe*, her executors and administrators, for her and their own sole use and benefit; but in case such first daughter shall happen to die under the age of eighteen years without issue of her body, that then they the said trustees do and shall pay the interest, dividends, annual profits and proceed of the said principal sum, stocks, funds, and securities, unto the second daughter of the said *James Bartholomew Radcliffe*, lawfully to be begotten, to and for her own use and benefit, until she shall attain the age of eighteen years, or shall die under that age, without issue of her body; and in case such second daughter of the said *James Bartholomew Radcliffe* shall attain her age of eighteen years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such second daughter of the said *James Bartholomew Radcliffe*, her executors and administrators, for her and their own sole use and benefit; but in case such second daughter shall happen to die under the age of eighteen years, without issue of her body, then that they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, their executors, administrators, and assigns, shall stand and be possessed of and interested in the said

and in case of failure of male issue then to his issue female;

said principal sum of twenty four thousand pounds, and the stocks, funds, and securities, in which the same shall or may be invested, in trust for the third, fourth, fifth, and all and every other the daughter and daughters of the said *James Bartholomew Radcliffe*, lawfully to be begotten, in like manner, and for such interests, as are herein before respectively limited to the said first and second daughters of the said *James Bartholomew Radcliffe*; every such daughter and daughters to be intitled to, and to take the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, and the interest, dividends, annual profits, and proceed thereof, severally and successively, one after the other, according to her and their priority of birth, the elder of such daughter and daughters being always preferred, and to be intitled to, and to take the same before the younger of such daughter and daughters; and in case there shall not be any daughter of the said *James Bartholomew Radcliffe*, lawfully begotten, or all such daughters shall die before any of them shall attain her age of eighteen years, and without leaving issue of their bodies, then that they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities, unto the said *James Clement Radcliffe*, and his assigns, during his natural life, for his and their own sole use and benefit; and from and after the decease of the said *James Clement Radcliffe*, then do and shall pay the interest, dividends, annual profits, and proceed, which shall at any time or times thereafter arise by or in respect of the said principal sum, stocks, funds, and securities, unto the first son of the said *James Clement Radcliffe*, lawfully to be begotten, to and for his own use and benefit, until he shall attain the age of twenty one years, or shall die under that age, without issue of his body; and in case such first son of the said *James Clement Radcliffe* shall attain his age of twenty one years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such first son of the said *James Clement Radcliffe*, his executors and administrators, for his and their own sole use and benefit; but in case such first son shall happen to die under the age of twenty one years, without issue of his body, that then they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities, unto the second son of the said *James Clement Radcliffe*, lawfully to be begotten, to and for his own use and benefit, until he shall attain his age of twenty one years, or shall die under that age, without issue of his body; and in case such second son of the said *James Clement Radcliffe* shall attain his age of twenty one years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities in which the same shall or may be invested, to such second son of the said *James Clement Radcliffe*, his executors and administrators, for his and their own sole use and benefit; but in case such second son

On failure of issue of James Bartholomew Radcliffe, then to be paid to James Clement Radcliffe, and his issue.

son shall happen to die under the age of twenty one years, without issue of his body, then that they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, their executors, administrators, and assigns, shall stand and be possessed of, and interested in, the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities in which the same shall or may be invested, in trust for the third, fourth, fifth, and all and every other the son and sons of the said *James Clement Radcliffe*, lawfully to be begotten, in like manner, and for such interests, as are herein before respectively limited to the said first and second sons of the said *James Clement Radcliffe*, every such son and sons to be intitled to, and to take the said principal sum, and the stocks, funds, and securities in which the same shall or may be invested, and the interest, dividends, annual profits, and proceed thereof, severally and successively one after the other, according to his and their priority of birth, the eldest of such son and sons being always preferred, and to be intitled to, and to take the same before the younger of such son and sons; and in case there shall not be any son of the said *James Clement Radcliffe*, lawfully begotten, or all such sons shall die before any of them shall attain his age of twenty one years, and without leaving issue of their bodies, then that they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities, unto the first daughter of the said *James Clement Radcliffe*, lawfully to be begotten, to and for her own use and benefit, until she shall attain the age of eighteen years, or shall die under that age, without issue of her body; and in case such first daughter of the said *James Clement Radcliffe* shall attain her age of eighteen years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such first daughter of the said *James Clement Radcliffe*, her executors and administrators, for her and their own sole use and benefit; but in case such first daughter shall happen to die under the age of eighteen years, without issue of her body, that then they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities, unto the second daughter of the said *James Clement Radcliffe*, lawfully to be begotten, to and for her own use and benefit, until she shall attain the age of eighteen years, or shall die under that age, without issue of her body; and in case such second daughter of the the said *James Clement Radcliffe* shall attain her age of eighteen years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such second daughter of the said *James Clement Radcliffe*, her executors and administrators, for her and their own sole use and benefit; but in case such second daughter shall happen to die under the age of eighteen years, without issue of her body, then that they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*,

*Fox*, their executors, administrators, and assigns, shall stand and be possessed of, and interested in, the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities, in which the same shall or may be invested, in trust for the third, fourth, fifth, and all and every other the daughter and daughters of the said *James Clement Radcliffe*, lawfully to be begotten, in like manner, and for such interests, as are herein before respectively limited to the said first and second daughters of the said *James Clement Radcliffe*, every such daughter and daughters to be intitled to, and to take the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, and the interest, dividends, annual profits, and proceed thereof, severally and successively one after the other, according to her and their priority of birth, the elder of such daughter and daughters being always preferred, and to be intitled to, and to take the same before the younger of such daughter and daughters; and in case there shall not be any daughter of the said *James Clement Radcliffe*, lawfully begotten, or all such daughters shall die before any of them shall attain to the age of eighteen years, and without leaving issue of their bodies, then that they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, their executors, administrators, and assigns, shall stand and be possessed of, and interested in, the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities, in which the same shall or may be invested, in trust for the executors, administrators, and assigns of the said *James Bartholomew Radcliffe*, to and for their own proper use and benefit.

On failure of issue of James Clement Radcliffe, then to be paid to the executors and assigns of James Bartholomew Radcliffe.

James Bartholomew Radcliffe, and James Clement Radcliffe impowered to make settlements in case of marriage;

XV. Provided always, and it is hereby enacted and declared, That it shall and may be lawful to and for the said *James Bartholomew Radcliffe*, and *James Clement Radcliffe*, from time to time, and at any time during their respective natural lives, as and when they shall by virtue of this act be respectively intitled to receive the yearly interest, dividends, profits, and proceed of the said principal sum of twenty four thousand pounds, and of the stocks, funds, and securities in which the same shall or may be invested, or any part or parcel thereof, by any deed or deeds, or other instrument in writing, under their respective hands and seals, attested by two or more credible witnesses, to limit, appoint, or settle any part or parts of the yearly interest, dividends, profits, and proceed of the said principal sum, stocks, funds, and securities, not exceeding one third part of the yearly interest, dividends, profits, and proceed of so much of the said principal sum, stocks, funds, and securities, as they shall respectively by virtue of this act be then intitled actually to receive, to and upon, and for the use and benefit of any woman or women with whom the said *James Bartholomew Radcliffe* and *James Clement Radcliffe* shall hereafter happen to inter-marry, for the life of such woman or women, in nature of a jointure for such woman or women, and to take effect immediately after the decease of the person or persons making such limitation, appointment, or settlement, and such limitation, appointment, or settlement,

settlement, to be before or after such marriage, as to them the said *James Bartholomew Radcliffe*, and *James Clement Radcliffe*, shall respectively seem meet.

XVI. Provided also, and it is hereby further enacted and declared, That it shall and may be lawful to and for the said *James Bartholomew Radcliffe* and *James Clement Radcliffe*, as and when they shall by virtue of this act be respectively intitled to receive the yearly interest, dividends, profits, and proceed of the said principal sum of twenty four thousand pounds, and of the stocks, funds, and securities, in which the same shall or may be invested, or any part or parcel thereof, by any deed or deeds, or other instrument in writing, under their respective hands and seals, with or without power of revocation, and to be attested by two or more credible witnesses, or by his or their last will or wills in writing, signed by him or them, and attested by three or more credible witnesses, to assign, limit, or appoint unto any such person or persons, as shall by him or them be thought proper to be trustees in that behalf, any part or parts of the yearly interest, dividends, profits, and proceed of the said principal sum, stocks, funds, and securities, not exceeding one third part of the yearly interest, dividends, profits, and proceed of so much of the said principal sum, stocks, funds, and securities, as they shall respectively by virtue of this act be then intitled actually to receive, to hold unto such trustees, their executors, administrators, and assigns, for any term or number of years, not exceeding twenty one years, to commence either in possession, or at any future day, during the life of the person and persons so respectively assigning, limiting, or appointing the same, or from his or their decease, as in and by such deed, instrument, or will shall be expressed.

and to assign to trustees one third of the proceed of 24,000l. for 21 years,

XVII. And it is hereby enacted, That such respective assignments and appointments, to be made in pursuance of this act as last is mentioned, shall be respectively in order to and for the purpose of raising portions for the daughters and younger sons of the person and persons so assigning, limiting, or appointing such part or parts of the yearly interest, dividends, profits, and proceed of the said principal sum, stocks, funds, and securities as aforesaid; and they the said trustees, to whom such assignments or appointments shall be respectively made, and their executors and administrators, shall respectively stand possessed of, and interested in the part and parts of the yearly interest, dividends, profits, and proceed of the said principal sum, stocks, funds, and securities, so to be to them respectively assigned, limited, or appointed as aforesaid, in trust, by the ways and means in such respective deeds, instruments, or last wills to be mentioned to levy and raise for the portion and portions of the respective daughter or daughters, younger son or younger sons of the respective person and persons so assigning, limiting, or appointing the said part and parts of the yearly interest, dividends, profits, and proceed of the said principal sum, stocks, funds, and securities, such sum and sums of money so to be paid to and among

in order to raise portions for daughters and younger sons.

among such daughter or daughters, younger son or sons, in such shares and proportions, and at such days and times, and with or without such maintenance or interest in the mean time, until the same shall be paid, not exceeding the interest of such respective portions, and also with such benefit of survivorship, and subject to and under such conditions, provisoes, limitations, declarations, and agreements, and with such powers for lessening, increasing, changing, and altering all and every such portion or portions, as in and by such respective deeds, instruments, or last wills, shall, from time to time, by the respective person and persons so assigning, limiting, or appointing such respective part and parts of the yearly interest, dividends, profits, and proceed of the said principal sum, stocks, funds, and securities, be directed and declared, and to and for no other intent or purpose whatsoever; and from and immediately after such portion or portions, maintenance and interest shall be raised and paid, or upon payment thereof by the person intitled to the reversion expectant on the determination of the said term, all and every such term, so to be created and vested in trustees as aforesaid, shall cease, determine, and be void, to all intents and purposes whatsoever.

On payment of such portions, the term to cease.

James Bartholomew Radcliffe to become bound in 50,000 l. not to enter into any foreign service without licence from the King.

XVIII. Provided always, and it is hereby enacted and declared, That if the said *James Bartholomew Radcliffe* shall not, within the space of twelve calendar months next after the passing of this act, in case he shall be living at the end of the said twelve months, enter into a recognizance before the chief justice of his Majesty's court of *King's Bench*, or before the chief justice of his Majesty's court of *Common Pleas*, at *Westminster*, wherein he shall be bound to his Majesty, his heirs and successors, in the sum of fifty thousand pounds, not to enter into the service of any foreign prince, state, or potentate, in any capacity whatsoever, nor to depart this realm without the licence of his Majesty, his heirs or successors, under his or their sign manual for that purpose first had and obtained; that then, and in that case, all such right, title, and interest, as is herein before vested in, or limited to, the said *James Bartholomew Radcliffe*, and his issue, in and to the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities in which the same shall or may be invested, and in and to the interests, dividends, annual profits, and proceed thereof, shall, from thenceforth, cease and determine, in the same manner, to all intents and purposes, as if the said *James Bartholomew Radcliffe* was then actually dead without issue of his body.

James Clement Radcliffe to become bound in 50,000 l. not to enter into foreign service without licence.

XIX. Provided also, and it is hereby likewise enacted and declared, That if the said *James Clement Radcliffe* shall not, within twelve calendar months next after he shall have had notice that any right, title, or interest, in or to the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities, or any part thereof, hath actually come to, or is vested in him in possession, by virtue of the trusts aforesaid, appear before the chief justice of his Majesty's court of *King's Bench*,

*Bench*, or before the chief justice of his Majesty's court of *Common Pleas* at *Westminster*, and enter into a recognizance, wherein he shall be bound to his Majesty, his heirs and successors, in the like sum of fifty thousand pounds, not to enter into, nor continue, or be in the service of any foreign prince, state, or potentate, in any capacity whatsoever, nor to depart this realm, without the licence of his Majesty, his heirs or successors, under his or their sign manual for that purpose first had and obtained, that then, and in that case, all such right, title, and interest, as is herein before vested in, or limited to, the said *James Clement Radcliffe*, and his issue, in and to the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities, in which the same shall or may be invested, and in and to the interest, dividends, annual profits, and proceed thereof, shall, from thenceforth cease and determine, in the same manner, to all intents and purposes, as if the said *James Clement Radcliffe* was then actually dead, without issue of his body.

None of the parties benefited to be naturalized by this act.

XX. And it is hereby enacted and declared, That nothing in this act contained shall extend, or be construed to extend, to give to the said *James Bartholomew Radcliffe*, *James Clement Radcliffe*, lady *Charlotte Radcliffe*, lady *Barbara Radcliffe*, and lady *Mary Radcliffe*, or to any of them, any right or privilege of claiming to be naturalized by virtue of this act, or of being deemed or taken, or of claiming, by virtue hereof, to be natural born subjects; but they and every of them shall be and remain in respect thereof, in the same state, plight, and condition, to all intents and purposes, as they and every of them would have been in case this act had not been made, save that they and every of them shall and may maintain any action or actions, and commence and prosecute any suit or suits, and use and exercise all such other remedies and privileges as shall be necessary for the enabling them, or any of them, to have the benefit of this act, and of the several provisions hereby made, and of the several trusts and interests before-mentioned; any thing herein before contained to the contrary notwithstanding.

Penalty of any of the said parties being guilty of high treason, or misprision of treason.

XXI. Provided always, and it is hereby further enacted, That if the said *James Bartholomew Radcliffe*, and *James Clement Radcliffe*, or either of them, or their or either of their issue, either male or female, for whom any provision is made, or intended to be made, by this act, or to or for whom any trust or interest is hereby limited or declared, shall at any time hereafter be guilty of or commit any crime or offence which would be high treason, or misprision of treason, or shall do or perform any act, matter, or thing which would have amounted to high treason, or misprision of treason, in case the person or persons so being guilty of or committing any such crime or offence, or so doing or performing such act, matter, or thing, as aforesaid, had been a natural born subject of this realm, that then, and in that case, the person or persons who shall be so guilty of, or commit such crime or offence, or who shall so do or perform any such act, matter, or thing, as aforesaid, shall for him and herself, and

title, estate, or interest, in, to, or out of the said several last-mentioned estates, by means of the said recited settlements of the twenty third and twenty fourth days of *March*, one thousand six hundred and ninety one, and the twenty third and twenty fourth days of *June*, one thousand seven hundred and twelve, or either of them) all their right, title, interest, claim, or demand to the said several estates intended to be hereby settled to and for the use and benefit of the said royal hospital at *Greenwich*, or any part or parts thereof.

*The* END *of the Nineteenth Volume.*

accountable for any sum or sums of money to be received by them, or any of them, under the trusts hereby created and declared, any otherwise than each person for such sum or sums of money as he shall respectively actually receive; and that no one of them shall be answerable or accountable for the acts, receipts, neglects, or defaults of the other of them, nor for any loss or damage that shall or may happen by or in placing out of the said principal sum of twenty four thousand pounds, or any part thereof, at interest, or by or in depositing the same with any person or persons, or in any place or places, for safe custody, until the same shall, from time to time, be placed out as aforesaid, unless such loss or damage shall happen by or through their voluntary or wilful default.

Trustees to reimburse themselves.

XXV. And it is hereby also enacted, That they the said *Charles* duke of *Richmond* and *Lenox*, and *Henry Fox*, and each of them, and their and each of their executors and administrators, out of the principal money which shall come to their or any of their hands, or the interest, dividends, and proceed thereof, shall be allowed, and retain to and reimburse themselves all such costs, charges, damages, and expences, as they shall or may respectively sustain, be at, or put unto, in or about the execution of all or any of the trusts hereby in them reposed.

Publick act.

XXVI. And be it further enacted by the authority aforesaid, That this act, and every clause, matter, and thing herein contained, shall by all and every judge and judges, and other person and persons, be construed and adjudged as largely and beneficially in all courts of law and equity, and all other places, as can be for the ends and purposes herein expressed, and the same is hereby declared to be a publick act of parliament, and all judges and justices are hereby required to take notice thereof as such, without special pleading the same.

Rights of the crown, and others saved.

XXVII. Saving to the King's most excellent majesty, his heirs and successors, all his and their right to such quit-rents, crown-rents, and dutchy-rents, only issuing out of the said several estates intended to be hereby settled to and for the use and benefit of the said royal hospital at *Greenwich*, as the same estates were respectively liable to on the twenty third day of *June*, in the year of our Lord one thousand seven hundred and fifteen; and saving to the lady *Catharine Radcliffe*, if living, and to all and every other person and persons (other than and except the said King's majesty, his heirs and successors, save as aforesaid, and other than and except the said *James Bartholomew Radcliffe*, commonly called lord *Kenaird*, and *James Clement Radcliffe*, and the heirs male of their respective bodies; and all and every other person and persons whatsoever, who is, are, or shall be the descendant or descendants of or from the said *Francis* late earl of *Derwentwater*, or the said *James* late earl of *Derwentwater*, or the said late *Charles Radcliffe*, or any of them, except the said lady *Catherine Radcliffe*, if living, and all and every other person and persons, who may or shall at any time hereafter claim any right,

title, estate, or interest, in, to, or out of the said several last-mentioned estates, by means of the said recited settlements of the twenty third and twenty fourth days of *March*, one thousand six hundred and ninety one, and the twenty third and twenty fourth days of *June*, one thousand seven hundred and twelve, or either of them) all their right, title, interest, claim, or demand to the said several estates intended to be hereby settled to and for the use and benefit of the said royal hospital at *Greenwich*, or any part or parts thereof.

*The* END *of the Nineteenth Volume.*